

***United States Court of Appeals
for the Second Circuit***



APPENDIX

ORIGINAL

74-1071

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United States Court of Appeals
FOR THE SECOND CIRCUIT

P/S

HAROLD FISHER,

Plaintiff-Appellee,

against

HARRIS, UPHAM & CO. INCORPORATED,

Defendant-Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOINT APPENDIX

GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant-Appellant
14 Wall Street
New York, New York 10005

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff-Appellee
292 Madison Avenue
New York, New York 10017

PAGINATION AS IN ORIGINAL COPY

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DOCKET ENTRIES

Civil Docket 69 628

U.S. DISTRICT COURT

12/27/73

TITLE OF CASE

ATTORNEYS

OLD FISHER

For plaintiff:

Livingston, Livingston & Harris
292 Madison Avenue
Manhattan, New York 10017
889-3633

AMES NIPM & COMPANY INC.,

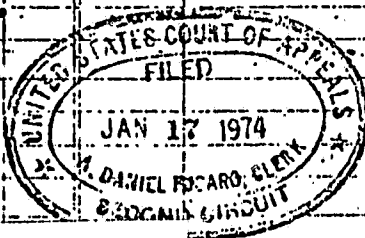
For defendant:

Gifford, Roddy, Carter & Hays
One Wall St. NY 10005 NY 1-6470

11-3041

69 Civ. 3312

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	FILED
mailed 2X	Clerk	12/27/73			
mailed	Marshal				
Action: S.B.C. Act	Docket fee				
999.25	Witness fees				
None at:	Depositions				



A

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Docket Entries

Harold Fisher, vs. Harris Upham & Company Inc.

JUDGE KWA

DATE	PROCEEDINGS
Jul/29/69	Filed complaint issued summons ✓
Aug. 11-69	Filed Notice of Filing Undertaking for Costs. ✓
Aug. 11-69	Filed Interrogatories by Plaintiff. ✓
Aug. 15-69	Filed Order to Show Cause re: Extend Time to Answer, etc. Ret. 8/21/69. ✓
Aug. 15-69	Filed Memorandum in support of motion. ✓
Aug. 22/69	Filed summons and return Served Harris Upham & Co Inc by Mr. Dwork on 7/30/69.
Aug. 20-69	Filed Affidavit in opposition. ✓
Aug. 21-69	Filed (in court) Affidavit of Charles L. Trowbridge. ✓
Aug. 25-69	Filed MEMO. END. ob motion papers filed 8/15/69. Motion is in all respects denied. Time of deft. within which to answer or move with respect to the complaint and the interrogs. of plaintiff is extended to and including 9/3/69. So ordered. Wyatt, J. (mailed notice).
Sept. 4-69	Filed Notice of Motion re: More definite statement, etc. Ret. 9/23/69.
Sept. 4-69	Filed Memorandum in support of deft's motion. ✓
Sept. 22/69	Filed Memorandum in opposition for an order requiring a more definite statement. ✓
Sept. 22/69	Filed Pltffs affidavit in opposition to defts motion. ✓
Sept. 24-69	Filed MEMO. END. on motion papers filed 9/4/69. Motion denied following argument. So ordered. Bryan, J.
Oct. 6-69	Filed Answers to Interrogatories. ✓
Oct. 6-69	Filed ANSWER to complaint. ✓
Oct. 22/69	Filed stip and order that time for third party deft to answer to the third party complaint is extended to 1/23/70 Cannalla J.
Apr. 6, 70	Filed deft's Answers to Interrogatories. ✓
Apr. 17-70	Filed Interrogatories by Plaintiff.
Apr. 14, 70	Filed plttf Notice of Motion. Re: Answer Interrogs. Ret. 8-20-70 ✓
Apr. 14, 70	Filed plttf affidavit under rule 2(f) ✓
Apr. 14, 70	Filed Memorandum in support of motion. ✓
Sept. 15-70	Filed plttf's objections to special master's report. ✓
Sept. 15-70	Filed memorandum and order--deft. within 20 days will serve new 10 to interrogs. as indicated, etc. Deft. shall pay plttf. \$250 for h expenses in obtaining this order. Frankel, J. m/d ✓
Oct. 6-70	Filed deft's first amended ANSWERS to interrogs ✓
Nov. 10-70	Filed deft. NOTE OF ISSUE and statement of readiness. ✓
Nov. 23-70	Filed plttf's affdvt. of objections to placing the cause on the calendar. ✓
Nov. 25-70	Filed Charles L. Trowbridge, affdvt. for deft. in opposition to objections to Note Of Issue.
Nov. 29, 70	Filed MEMO. END. on motion filed 11-25-70 Note of issue withdrawn. So Ordered. R.
Nov. 2-71	Filed deft's Note of Issue and statement of readiness ✓
Nov. 7-71	Filed plttf's objection to Note of Issue. ✓
Nov. 26-71	Filed plttf's affdvt. & notice of motion to compel production of documents. ✓
Nov. 20-71	Filed plttf's memorandum of law in support of its motion. ✓
Nov. 8-71	Filed deft's affidavit in opposition to plttf's motion ✓
Nov. 17-71	Filed MEMO. END. on motion filed 8-20-71 Motion disposed of by stip of counsel that deft. will produce and turn over to plttf copies of the requested documents, at plttf reproduction expense, by 10-15-71. If any documents exist cannot be located presently, a statement to the effect any or more documents so identified to the extent possible. Gerard L. Gombel U.S. for So Ordered. Gurfein J. mailed notice. ✓
Dec. 3-71	Filed deft's affidavit in opposition to objection to note of issue. ✓
Dec. 3-71	Filed MEMO. END. on affidavit filed 12-3-71. Motion adjourned to 1-2-72 Plaintiff to complete all discovery by that date. Elwood J. ✓

Docket Entries

Civil Docket Continuation

DATE

PROCEEDINGS

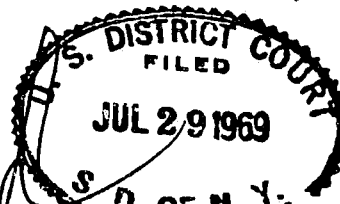
Feb. 18-72 Filed Order Appointing John J. Galgay Esq., 445 Park Ave., N.Y. 10022 as Special Master in the action, to superintend all pending and further discovery proceedings in this action, as indicated. MacMahon J. M/n ✓
 Feb. 21-72 Filed affidavit of John J. Galgay. ✓
 Mar 27-72 Filed stip and order that interim compensation be allowed the Special Master for his services at the rate of \$75.00 per hour as indicated. Based upon the foregoing, the Special Master be paid an interim compensation of \$2,812.50 MacMahon J. ✓
 Apr 3-72 Filed pliff's Reply affidavit in support of objection to note of issue. ✓
 Apr 3-72 Filed MEMO. EMP. on affidavit in opposition to objection to note of issue filed 12-3-71. Objections overruled add case to trial calendar. 30 days to complete discovery. So Ordered. Tenney J. -mailed notice. ✓
 Aug 15-72 Filed Stip & Order that the interim compensation be allowed the SPECIAL MASTER for his services at the rate of \$75.00 per hour, as indicated. So Ordered MacMahon J. ✓
 Nov 6-72 Filed Progress Report of Special Master John J. Galgay. ✓
 Nov 6-72 Filed affidavit of Michael McAllister in support of defts. proposed order noticed for settlement for Nov 3-72. ✓
 Nov 17-72 Filed Pliffs affidavit by Alan Harris. ✓
 Nov 17-72 Filed Order that the Memo order of Tenney J. dtd April 24, 1972 be modified as indicated. So Ordered MacMahon J. ✓ m/n/
 Dec 21-73 Filed special Master's supplemental Decision. ✓
 Dec 26-73 Filed Special Master's final report and recommendations. ✓
 Jan 10-72 Filed notice of motion to modify and confirm Master's report, Rec. Jul. 22, 1972 at 2:15 p.m. ✓
 Jan 26-73 Filed deff's affidavits & notice of motion to vacate & strike off special Master's report. ✓
 Jan 26-73 Filed deposition of pliff. taken on 10-15-69. ✓ m/n
 Jan 28-73 Filed continued deposition of pliff. on 5-12-70 ✓
 Jan 28-73 Filed " " " " " " 2-14-72. ✓
 Jan 28-73 Filed deposition of deff. by spec. Master 2-18-72. ✓
 Jan 28-73 Filed " " " " " " 3-14-72. ✓
 Jan 28-73 Filed " " " " " " 3-16-72. ✓
 Jan 28-73 Filed continued deposition of deff. " " 3-22-72. ✓
 Jan 28-73 Filed " " " " " " 3-24-72. ✓
 Jan 28-73 Filed deposition of deff. 3-28-72. ✓
 Jan 28-73 Filed " " " " " " 3-29-72. ✓
 Jan 28-73 Filed " " " " " " 3-29-72. ✓
 Jan 28-73 Filed " " " " " " 3-30-72. ✓
 Jan 28-73 Filed continued deposition of deff. " " 4-10-72. ✓
 Jan 28-73 Filed deposition of deff. by spec. Master 4-17-72. ✓
 Jan 28-73 Filed continued deposition of deff. 6-9-72. ✓
 Jan 28-73 Filed deposition of deff. taken 6-9-72. ✓
 Jan 28-73 Filed continued deposition of deff. 6-13-72. ✓
 Jan 28-73 Filed " " " " " " 6-13-72. ✓
 Jan 28-73 Filed OPTION #40061. Pliff's motion to confirm the Special Master's report is granted (John J. Galgay) in part but denied insofar as it seeks to modify that report or seeks additional relief. Pliff's motion to vacate & strike the report, for a protective order, for an order assessing costs is denied. Compensation to the Special Master of \$3,412.50 for the Special Master is approved. Action assigned to Judge Knapp for all purposes. So ordered. MacMahon J. ✓

69 Civ 3313

[illegible]

COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD FISHER,

Plaintiff,

- against -

HARRIS UPHAM & CO., (Incorporated),

Defendant.

: PLAINTIFF DEMANDS A
: TRIAL BY JURY ON THE
: ISSUES IN THIS
: ACTION.

Index Number

69 Civil 3312

Plaintiff, by his attorneys, Livingston, Livingston & Harris, complaining of the defendant, alleges:

JURISDICTION

1. The causes of action herein alleged are brought under the provisions of the Securities Exchange Act of 1934 (Title 15 U.S.C Section 78 et. seq.), ("Act") and the Rules and Regulations ("Rules") of the Securities and Exchange Commission ("Commission") adopted pursuant to said Act, more particularly, but without limitation, Sections 10(b), 15(b) and 15(c) of said Act (Title 15 U.S.C Sections 78j(b) and 78o(c) and Rules 10(b) (5), 15(b), 15(c)(1) and 15(c)(2) of the Rules in that the defendant engaged in acts in contravention of the said provisions of said Act and the said Rules. Jurisdiction is also founded upon diversity of citizenship and amount (Title 28 U.S.C Section 1332(a)), the matter in controversy exceeding, exclusive of interest and costs, the sum of \$10,000.00.

2. Plaintiff, at all times hereinafter mentioned, was and now is a citizen of the State of Florida, and upon information and belief, defendant is a corporation incorporated under the

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Complaint

laws of the State of New York, having its principal place of business at 120 Broadway, New York, New York.

AS AND FOR A FIRST CAUSE
OF ACTION

3. Upon information and belief, at all times herein-after mentioned, defendant was and now is engaged in the business of a stockbroker, and is a broker-dealer registered with the Commission and a member firm of the New York Stock Exchange ("Exchange"), and is a member of the National Association of Securities Dealers, Inc., ("Association"), and as such is subject in its dealings as a broker to the Rules of the Commission and the rules of the Exchange and the Association.

4. Upon information and belief, the Rules of said Commission, and the rules of the Exchange and the Association require that defendant in its dealings with its customers use the highest standards of commercial honor and just and equitable principles of trade, and that in its dealings as a broker for said customers, the defendant owes undivided fidelity and loyalty to said customers.

5. Defendant, in order to induce plaintiff to become and remain its customer, represented to plaintiff by means of advertisements mailed to plaintiff and in newspaper advertisements as follows: That it would at all times abide by and would be governed in its conduct with plaintiff by said Rules and the rules of the Exchange and the Association, and that it would devote the proper amount of time, energy and attention, and

Complaint

would exercise its utmost care and fidelity and loyalty in the execution of plaintiff's orders, and would use towards plaintiff the said highest standards of commercial honor and just and equitable principles of trade.

6. Said Exchange and said Association, by means of publicity and advertisements, represented to the public at large, to persons such as the plaintiff and to the plaintiff, that if plaintiff or others similarly situated would engage in transactions with their members, particularly as brokers, such persons and the plaintiff would be served by brokers who would exercise the highest standards of commercial honor, just and equitable principles of trade, and undivided fidelity and loyalty to plaintiff.

7. Defendant, as a member firm of the Exchange and a member of the Association, approved and authorized all such publicity and advertisements, accepted all of the benefits therefrom, and was bound by all of the representations fairly inferred therefrom as though the same were issued, published or disseminated over its own name or signature.

8. Thereafter, and in reliance upon said representations, plaintiff became a customer of defendant and maintained with it a cash account for the purchase and sale of securities.

9. Upon information and belief, among the rules of the Exchange and the Association are Rules 174 and 184 of the Exchange and Sections 4 and 59 of the Uniform Practice Code of the Association which provide that if a broker cannot secure

Complaint

delivery of securities paid for in cash by its customers on or before a certain number of days after the transaction occurred, the broker is obliged to buy in said securities at the best available market and charge the seller therefor.

10. On or about the 21st day of October, 1968, plaintiff ordered defendant as his broker to purchase for him for his cash account 5,000 shares of the common stock of Bartep Industries, Inc., a stock then being traded in the over-the-counter market.

11. Thereafter, and between the 21st and 22nd days of October, 1968, defendant allegedly purchased for plaintiff's account said 5,000 shares of Bartep Industries, Inc., at prices ranging from \$5 to \$7 per share, for an aggregate total purchase price of \$32,999.25, including commissions, and advised plaintiff of said purchases, and also delivered to plaintiff confirmations of said purchases through the United States mail.

12. Defendant, in advising plaintiff that the purchase had been made and in sending to plaintiff confirmations of the purchases of said securities as hereinabove alleged, represented to plaintiff that it would and could secure delivery thereof on October 27th and 28th, 1968; i.e., on the fourth business day after the purchase and within the times limited by the rules of the Exchange and Association, so that said transactions would be completed and the securities made available to plaintiff for his use and benefit.

13. Upon information and belief, said representations by

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Complaint

defendant that it could and would secure delivery within the said period of time was a false and untrue statement of a material fact in connection with the purchase of securities contrary to the provisions of Rule 10(b)5 and known to defendant to be such a false and untrue statement in that defendant had not purchased said aggregate of 5,000 shares of Bartep Industries, Inc., from a seller or sellers who could make a delivery thereof by October 28th, 1968, and in that the defendant did not intend to pursue such alternate procedures as to obtain delivery of such number of shares within such period of time, and in that the defendant had not required of the seller or sellers of said 5,000 shares of Bartep Industries, Inc., that it or they have available for delivery on October 27th and 28th, 1968, or within the times limited by the rules of the Exchange and Association such shares of stock as a condition for purchasing said stock for plaintiff's account from it or them.

14. Upon information and belief, the representation that defendant would abide by high standards of commercial honor and just and equitable principles of trade was a false and untrue representation of a material fact in connection with the purchase of securities contrary to the provisions of Section 10(b) of the Act and Rule 10(b)5, in that defendant knew that it would not demand delivery of such securities from the seller or sellers thereof within the times limited, nor would it buy in said securities as required by the aforesaid rules, because such demand by defendant would jeopardize defendant's position

Complaint

vis-a-vis other broker-dealers in the market, and that defendant's demanding compliance with the terms of its purchases and with said rules would derogate from defendant's position as a broker vis-a-vis its fellow brokers.

15. Upon information and belief, the defendant's act of not demanding of the seller or sellers of said 5,000 shares of Bartep Industries, Inc., that it or they deliver the same within the times limited by the rules of the Exchange or Association, and by not buying in said securities as required by said rules, was part of a conspiracy with the seller or sellers of said securities to maintain the price thereof. In so doing, defendant engaged in a manipulative practice in connection with the purchase of securities in violation of Sections 10(b) and 15(c) of the Act.

16. The settlement or due dates for the delivery of and payment for said 5,000 shares of Bartep Industries, Inc., were October 28th and 29th, 1968.

17. On or about October 28th, 1968, plaintiff, in reliance upon the representations as hereinabove alleged, turned over to defendant the sum of \$32,999.25, the aggregate purchase price of said securities.

18. Commencing in the month of November, 1968, and up to February 16th, 1969, plaintiff, on numerous occasions, requested defendant to deliver to him said 5,000 shares of Bartep Industries, Inc., which defendant had allegedly purchased for plaintiff's account, but defendant failed and refused to deliver such shares.

A 11
Complaint

19. On or about the 17th day of February, 1969, plaintiff cancelled his alleged purchase of 5,000 shares of Bartep Industries, Inc., and demanded that defendant return the moneys heretofore turned over to defendant therefor.

20. Defendant has failed and refused to return to plaintiff \$32,999.25, the aggregate purchase price for said 5,000 shares, although plaintiff has demanded the same.

21. By reason of the foregoing, plaintiff sustained damages in the sum of \$32,999.25 with interest from October 29th, 1968.

AS AND FOR A SECOND CAUSE
OF ACTION

22. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1 through 20 inclusive of the complaint as if fully and at length set forth herein.

23. On or about October 29th, 1968, defendant had and received from plaintiff the sum of \$32,999.25 in payment of the purchase price of 5,000 shares of Bartep Industries, Inc., which plaintiff had purchased through defendant as his stockbroker.

24. Defendant failed and refused to obtain delivery of said 5,000 shares of Bartep Industries, Inc., from the seller or sellers thereof for the account of plaintiff within a reasonable period of time.

25. Defendant has failed and refused to return to plaintiff the \$32,999.25 received from him although the same has been fully demanded.

A 12
Complaint

26. By reason thereof, plaintiff has been damaged in the sum of \$32,999.25 with interest from October 29th, 1968.

AS AND FOR A THIRD CAUSE
OF ACTION

27. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 18 inclusive, as if fully and at length set forth herein.

28. Upon information and belief, between November 1st, 1968 and February 14th, 1969 the stock of Bartep Industries, Inc., could have been sold at a price substantially in excess of the price at which plaintiff had purchased said stock.

29. Plaintiff has been deprived of an opportunity to sell said shares of Bartep Industries, Inc., during said period of time at a profit.

30. Defendant, in failing to secure delivery of, and in failing to buy in said stock, in preferring and protecting its interest in the securities market over the interest of plaintiff, has breached its contract with plaintiff in that it has not used the high standards of commercial honor and equitable principles of trade, nor has it devoted the proper amount of time, energy and attention, and exercised its undivided loyalty and fidelity in the execution of plaintiff's order, nor has it complied with the Rules of the Commission and the rules of the Exchange or the Association.

31. By reason thereof, plaintiff has been damaged in the

Complaint

sum of \$50,000.00, and defendant, by reason of its false and fraudulent acts and gross and wanton breach of its duty to plaintiff, should be assessed exemplary damages of \$50,000.00 with interest from October 27th, 1968.

WHEREFORE, plaintiff demands judgment against defendant in the sum of \$32,999.25 together with interest from October 29th, 1968, upon the First and Second Causes of Action, and upon the Third Cause of Action judgment for \$50,000.00 together with exemplary damages of \$50,000.00 with interest from November 15th, 1968, together with the costs and disbursements of this action.

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff

By _____

A Member of the Firm

Office and Post Office Address
292 Madison Avenue
New York, N. Y., 10017
Tel: 889-3633

ANSWER TO COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,	:	69 Civ. 3312
Plaintiff,	:	<u>ANSWER</u>
-against-	:	
HARRIS, UPHAM & CO. INCORPORATED,	:	
Defendant.	:	

-----x

Defendant, Harris, Upham & Co. Incorporated, by its attorneys Gifford, Woody, Carter & Hays, for its answer to the complaint herein, respectfully alleges upon information and belief as follows:

FIRST: Defendant denies that the alleged claims for relief set forth in the complaint are within the purview of the statutes and regulations referred to in paragraph 1 of the complaint, denies knowledge or information sufficient to form a belief as to the citizenship of the plaintiff and denies that the bona fide amount in controversy, exclusive of interest and costs, exceeds \$10,000.00.

SECOND: Defendant denies that it is incorporated under the laws of the State of New York, and denies knowledge or information sufficient to form a belief as to plaintiff's citizenship as alleged in paragraph 2 of the complaint.

*Answer to Complaint*AS TO THE FIRST CLAIM FOR RELIEF

THIRD: Defendant admits that it was and now is engaged in the business of a stock broker and is a broker dealer registered with the Securities Exchange Commission, a member firm of the New York Stock Exchange and a member of the National Association of Securities Dealers and that it owes to its customers the duties imposed by law; it admits that plaintiff maintained with it a cash account for the purchase and sale of securities and that on or about October 21, 1968, plaintiff ordered defendant as his broker to purchase for his account and risk 5,000 shares of the common stock of Bartep Industries, Inc., a stock then being traded in the over-the-counter market; that the aggregate price of said 5,000 shares was \$33,099.25 including commissions, which plaintiff paid to defendant; that defendant mailed to plaintiff confirmations of said purchases; and that plaintiff on or about February 14, 1969, requested delivery of certificates representing ownership of said shares in street name to Commercial Bank of Miami, 9301 N.W. 7th Avenue, Miami, Florida; that plaintiff has demanded and defendant has refused to pay the amount paid by plaintiff for said shares of Bartep Industries, Inc.; and, except as so admitted, denies each and every allegation of paragraphs 3 through 21 of the complaint.

Answer to Complaint

AS TO THE SECOND CLAIM FOR RELIEF

FOURTH: Defendant repeats and realleges each and every allegation of this answer with respect to paragraphs 1 through 20 of the complaint.

FIFTH: Defendant admits plaintiff paid it \$33,099.25 as the purchase price of 5,000 shares of Bartep Industries, Inc., which plaintiff had purchased through defendant as his stock broker and that plaintiff has demanded and defendant refused to pay him said amount, and except as so admitted, denies each and every allegation of paragraphs 23 through 26 of the complaint.

AS TO THE THIRD CLAIM FOR RELIEF

SIXTH: Defendant repeats and realleges each and every allegation of this answer with respect to paragraphs 1 through 18 of the complaint.

SEVENTH: Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 28 of the complaint.

EIGHTH: Defendant denies each and every allegation of paragraphs 29, 30 and 31 of the complaint

FIRST DEFENSE TO EACH CLAIM FOR RELIEF
SET FORTH IN THE COMPLAINT

NINTH: The complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE TO EACH CLAIM FOR RELIEF
SET FORTH IN THE COMPLAINT

TENTH: At all material times there existed between plaintiff and defendant a uniform and consistent course of dealing pursuant to which securities purchased for the account and risk of plaintiff by defendant as plaintiff's stock broker would be held in plaintiff's account with defendant in "street name" until sold by plaintiff without delivery to plaintiff of the certificates representing ownership thereof at any time having taken place.

ELEVENTH: Plaintiff's purchase of 5,000 shares of Bartep Industries, Inc. was made solely at plaintiff's instance and request, in accordance with and subject to the aforesaid course of dealing. Plaintiff's account with defendant was duly credited with said shares on October 28, and October 29, 1969, and plaintiff's ownership of said shares was repeatedly reported to him as a balance in plaintiff's account and was carried as such on the books of defendant until certificates representing ownership thereof were delivered to plaintiff as hereinafter alleged.

TWELFTH: Plaintiff did not request defendant to deliver to him the certificates representing ownership of said shares of Bartep Industries, Inc., on any occasion between October 21, 1968, and February 13, 1969, nor did he

Answer to Complaint

protest or in any manner object to their being carried in "street name" during that period.

THIRTEENTH: On or about February 14, 1969, after plaintiff had been advised by defendant that there was no market for his shares of Bartep Industries, Inc., plaintiff instructed defendant to deliver such certificates in "street name" to Commercial Bank of Miami.

FOURTEENTH: On or about February 17, 1969, without any prior notice to defendant, plaintiff attempted to cancel his October 21 and 22, 1968, purchase of the aforesaid shares of Bartep Industries, Inc., and to inflict his trading losses upon defendant stock broker by transmitting to defendant a telegram reading as follows:

"Cancel total of Five Thousand Shares
Bartep Industries, Inc. Trade dates
October 21 and 22, 1968. Return total
money paid for same."

FIFTEENTH: Thereafter, on or about April 9, 1969, certificates representing ownership of 5,000 shares of Bartep Industries, Inc., in plaintiff's name, were duly delivered by defendant to plaintiff.

SIXTEENTH: The aforesaid attempted cancellation by plaintiff of his purchase of 5,000 shares of Bartep Industries, Inc., his untruthful allegations that he requested delivery of the certificates representing ownership

of those shares prior to February 14, 1969, and the commencement of the instant action have been undertaken by plaintiff in bad faith with the intent to defraud defendant and enable plaintiff to speculate in the stock market at defendant's risk; plaintiff's attempted cancellation of his aforesaid purchase is null and void and of no effect; defendant has at all times fully performed its duties to plaintiff in accordance with the established course of dealing between the parties and the standards imposed upon defendant by law; and defendant is not liable.

THIRD DEFENSE TO EACH CLAIM FOR RELIEF
SET FORTH IN THE COMPLAINT

SEVENTEENTH: Defendant repeats and realleges paragraphs TENTH through SIXTEENTH of this answer.

EIGHTEENTH: By his aforesaid conduct, plaintiff acquiesced in and ratified defendant's action in holding the aforesaid shares of Bartop Industries, Inc. in "street name" in his account and effectively waived any right to cancel his purchase of said shares or to require delivery of the certificates representing ownership of those shares on the settlement dates of October 28, and October 29, 1969. Plaintiff is not entitled to recovery of the purchase price of said shares and defendant is not liable.

FOURTH DEFENSE TO EACH CLAIM FOR RELIEF
SET FORTH IN THE COMPLAINT

NINETEENTH: Defendant repeats and realleges paragraphs TENTH through SIXTEENTH of this answer.

TWENTIETH: By his aforesaid conduct, defendant became estopped and precluded from rescinding or cancelling his aforesaid purchase of 5,000 shares of Bartep Industries, Inc.; from asserting any right to delivery of the certificates representing ownership of said shares on the aforesaid settlement dates; and from asserting any claim for the refund of the purchase price paid by him.

WHEREFORE, defendant demands judgment dismissing the complaint with the costs and disbursements of this action.

GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant

By /s/ Charles L. Trowbridge
Charles L. Trowbridge
A member of the firm

PLAINTIFF'S INTERROGATORIES DATED AUGUST 13, 1969

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

FAROLD FISHER,

:

Plaintiff,

:

-against-

:

INTERROGATORIES BY
PLAINTIFF

HARRIS UPHAM & CO. (Incorporated),

:

Defendant.

:

Index Number
69 Civil 3312

-----x

TO HARRIS, UPHAM & CO. (INCORPORATED), DEFENDANT:

Plaintiff requests, pursuant to Rule 33 of the Federal Rules of Civil Procedure, that the following interrogatories be answered under oath by any of your officers competent to testify in your behalf who knows the facts about which inquiry is made and that answers be served on plaintiff within fifteen (15) days from the time these interrogatories are served upon you.

1. Set forth the name or names and address or addresses and official capacity of all officers, agents and employees of defendant who were employed as traders by defendant in trading shares of Bartep Industries Inc. ("Bartep") on the over-the-counter market between October 20, 1963 and February 17, 1969.

2. Set forth the name or names and address or addresses and official capacity by job title of all officers, agents and employees of defendant who participated in the purchase for

Plaintiff's Interrogatories Dated August 13, 1969

plaintiff's account of 5,000 shares of Bartep common stock on or about October 21, 1968.

3. Set forth the name or names and addresses of all broker dealers who maintained or created markets in shares of Bartep during the month of October 1968.

4. Set forth the name or names of all broker dealers with their addresses who provided a market in or of whom inquiry was made by defendant or who were solicited by defendant in order to purchase for plaintiff's account 5,000 shares of Bartep on October 21 and October 22, 1968.

5. Set forth the time or times when and the name or names of all broker dealers who sold to defendant 5,000 shares of Bartep for the account of plaintiff and the amount purchased from each broker dealer.

6. State whether defendant received any confirmations of the purchase of 5,000 shares of Bartep for plaintiff's account and the name or names of the broker dealers giving such confirmations, the time when received and the persons in its employ who received such confirmations.

7. State whether defendant inquired of each of said broker dealers if they then had available for delivery the

Plaintiff's Interrogatories Dated August 13, 1969

shares of Bartep that each had sold to defendant for the account of plaintiff.

8. State whether defendant sent any confirmations for the purchase of 5,000 shares of Bartep for plaintiff's account to any broker dealer, the date when such confirmations were sent, the person or persons in defendant's employ who sent them and the name of the person to whom such confirmations were addressed.

9. Set forth the time or times and the place or places where 5,000 shares of Bartep were delivered to defendant, by whom delivered, the amount received from each person who made delivery and the name or names in which said shares were registered when delivered.

10. State whether defendant had failed to deliver during the period October 20, 1968 to February 17, 1969 any securities sold by any of its customers to any of the broker dealers from whom it had purchased said 5,000 shares of Bartep for plaintiff's account. If defendant had failed to make any such delivery of securities, set forth the name or names of the broker dealers withiwhom defendant was then in a fail position.

11. Set forth the name or names of the broker dealers to whom and the time when defendant paid the \$32,999.25 which defen-

Plaintiff's Interrogatories Dated August 13, 1969

dant had received from plaintiff for the purchase of said shares of Bartep.

12. Set forth the account or accounts in which plaintiff's \$32,999.25 was deposited, the time when said deposit of \$32,999.25 was made and the time or times when said \$32,999.25 was withdrawn and the name or names of the persons to whose order such funds were withdrawn.

13. Set forth the time or times when and the name or names of the broker dealers from whom defendant demanded delivery of said 5,000 shares of Bartep or any part thereof.

14. Set forth the name or names and address or addresses of each officer, employee or agent who demanded delivery of said 5,000 shares of Bartep for plaintiff's account, the person who made each demand, the time when such demand was made and the person to whom said demand was given.

15. Set forth the exact procedures followed by defendant to obtain delivery of said 5,000 shares of Bartep, the date when each procedure was instituted, the name and names and address or addresses of the person or persons who, on defendant's behalf, instituted each such procedure, and the names and addresses of the broker dealers against whom each such procedure was instituted.

Plaintiff's Interrogatories Dated August 13, 1969

16. State the times when and the names of the broker dealers from whom defendant demanded delivery of 5,000 shares of Bartep.

17. Set forth whether defendant ever gave notice to any broker dealer that it was buying in 5,000 shares of Bartep.

18. If your answer to Interrogatory No. 17 is in the affirmative, set forth the name or names of the broker dealers and the time or times when such buy-in notice or notices were given.

19. State the name or names and address or addresses of all officers, agents and employees of defendant who were in charge of advertising during the period of January 1, 1967 to December 31, 1968.

20. State whether defendant advertised its services as a broker in any newspaper or magazine having a general circulation or a newspaper or magazine within the business and financial community generally circulated in the area of Miami and Fort Lauderdale, Florida, during the period of January 1, 1967 to December 31, 1968.

21. If your answer to Interrogatory No. 13 above is in the affirmative, set forth the date when and the name of the newspapers or magazines in which said advertisements appeared.

Plaintiff's Interrogatories Dated August 13, 1969

22. State whether defendant contributed to, participated with or joined in any institutional advertisements of the New York Stock Exchange or National Association of Securities Dealers advertising the services of member firms of the Exchange and Association as brokers during the period January 1, 1967 to December 31, 1968.

23. If your answer to Interrogatory No. 20 is in the affirmative, state whether such advertisements appeared in any newspaper or magazine having a general circulation or generally circulated within the business and financial community in the area of Miami and Fort Lauderdale, Florida, during the aforesaid period of time and set forth the names of the newspapers and magazines and the dates when said advertisements appeared.

24. Set forth the name or names and the address or addresses of the officers, employees and agents of defendant who were responsible for defendant's contributing to, participating with or joining in with the New York Stock Exchange and National Association of Securities Dealers in the institutional advertisements referred to above.

25. State whether defendant mailed to its customers any advertisements of its services and facilities offered by it or by the New York Stock Exchange and National Association of

A 27

Plaintiff's Interrogatories Dated August 13, 1969

Securities Dealers during the period January 1, 1967 to December 31, 1968.

26. If such advertisements were mailed, set forth the time or times when each such advertisement was mailed, and the name or names and address of the officers, agents and employees of defendant who prepared each such mailing.

27. State whether defendant maintains files of the advertisements referred to in the foregoing Interrogatories numbers 21, 23 and 26. If such files are maintained, set forth the location of said files and the name and address of the person in charge of said files.

Dated: August 13, 1969

Yours, etc.,

LIVINGSTON, LIVINGSTON & HARRIS

By _____

a member of the firm
Attorneys for Plaintiff
Office & P. O. Address
292 Madison Avenue
New York, New York 10017
(212)889-3633

TO: GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
1 Wall Street
New York, New York

PLAINTIFF'S INTERROGATORIES DATED MARCH 18, 1970

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

HAROLD FISHER,

Plaintiff,

-against-

HARRIS UPHAM & CO. (Incorporated),

Defendant.

----- x

INTERROGATORIES BY
PLAINTIFF

Index Number
69 Civil 3312

TO HARRIS UPHAM & CO. (INCORPORATED), DEFENDANT:

Plaintiff requests, pursuant to Rule 33 of the Federal Rules of Civil Procedure, that the following interrogatories be answered under oath by any of your officers competent to testify in your behalf who knows the facts about which inquiry is made and that answers be served on plaintiff within fifteen (15) days from the time these interrogatories are served upon you

1. (A). Set forth the name and address of the person, characterized as a customer of defendant's Fort Lauderdale, Florida branch office, from whom 300 shares of stock of Bortep Industries, Inc. was purchased for the account of plaintiff on October 22, 1968, as previously answered by the defendant.

(B). State whether the aforesaid 300 shares were physically in the possession of the defendant on October 22, 1968; and if so, set forth the number of the certifi-

Plaintiff's Interrogatories Dated March 18, 1970

cate(s) and the name(s) of the person(s) in whose name(s) the certificate(s) were registered.

(C). If the aforesaid 300 shares were not physically in the possession of the defendant on October 22, 1963, set forth when the defendant first received possession of said 300 shares (after October 22, 1960), the name and address of the person or firm from whom possession was obtained, and the number of the certificate(s) and the name(s) of the person(s) in whose name(s) the certificate(s) were registered.

2. (A). Set forth the last known address of Arnold Frankel, stated by defendant to have been employed in the over-the-counter department of defendant until March 14, 1963.

(B). Set forth the circumstances surrounding the termination of Mr. Frankel's employment with the defendant, i.e., set forth whether Mr. Frankel was discharged, was asked to resign, or voluntarily quit his employment with the defendant; and set forth when he was notified that he was to be discharged, when he was asked to resign, or when he gave notice to the defendant that he intended to quit or terminate his employment.

3. (A). State whether defendant, at the time(s) when

Plaintiff's Interrogatories Dated March 18, 1970

it purchased any of the shares of stock of Bartep Industries, Inc. for the account of plaintiff, inquired of any of the dealers from whom the shares were purchased, if they then had available for delivery certificates for the said shares.

(B). If the answer to (A) is yes, set forth the date when, the name of the dealer(s) of whom inquiry was made, and the answer(s) given to you by the dealer(s).

4. (A). Set forth the name(s) ✓ address(es) ✓ and official capacity by job title of all officers, agents and employees of defendant who were in communication, oral or otherwise, with defendant's Miami Beach branch office at 1085 Kane Concourse, Miami Beach, Florida, or with defendant's registered representative, Benjamin Cowan, which communication related in any manner to the purchase by the plaintiff of the 5000 shares of stock of Bartep Industries, Inc. or the obtaining of or the failure to obtain delivery of the said shares from the sellers thereof, or the delivery or return of any of said shares to or from the transfer agent thereof for transfer into the name of the defendant or the plaintiff, or the delivery or return of any of said shares to or from the plaintiff or Commercial Bank of Miami, or which communication related in any manner to the claim of the plaintiff for the return of the monies paid by him to defendant or charged to

Plaintiff's Interrogatories Dated March 18, 1970

his account by the defendant on account of the purchase of the said 5000 shares.

(B). With respect to each communication referred to in (A) above, set forth the parties thereto, the dates thereof the means or instrumentalities employed, and the substance thereof.

5. (A). State whether the defendant, as principal for its own account or as broker for any other person, during the period from October 21, 1968 to February 17, 1969, bought or sold any shares of stock of Bartep Industries, Inc. other than the shares alleged to have been bought for the plaintiff.

(B). If the answer to (A) above is yes, set forth the date(s) when, the number of shares and the prices thereof, the name(s) of the seller(s) or buyer(s) (as the case may be), and for whose account the said shares were bought or sold.

6. Set forth in detail all of the steps taken by the defendant in order to obtain delivery of all of the shares of stock of Bartep Industries, Inc., purchased for the account of the plaintiff, and the date when each step was taken.

7. (A). With respect to the shares of stock of Bartep Industries, Inc., stated to have been delivered to

Plaintiff's Interrogatories Dated March 18, 1970

defendant in respect of plaintiff's purchase, set forth the date(s) of delivery, by whom delivered, the amount(s) delivered, the number(s) of the certificate(s), and the name(s) in which said certificate(s) were registered.

(B). With respect to each certificate delivered to defendant as set forth in (A) above, commencing with the date of said delivery, set forth in detail each step taken thereafter with respect to the physical safekeeping thereof by the defendant or the transmittal thereof to any transfer agent or to the plaintiff.

8. Set forth the name(s) of all of the persons or firms to whom, the amounts, and the dates when, the defendant paid any monies on account of the purchase by the defendant for the account of the plaintiff of shares of stock of Bartep Industries, Inc.

9. Set forth in detail all of the steps taken by the defendant in order to obtain a transfer on the stock books of Bartep Industries, Inc. of all of the shares of stock of Bartep Industries, Inc., purchased for the account of the plaintiff and received from the respective sellers thereof, and the date when each step was taken.

10. State whether, during the period from October 1, 1968 to February 23, 1969, there was any relationship or

Plaintiff's Interrogatories Dated March 18, 1970

affiliation, financial or otherwise, between the defendant or any of its stockholders, directors, officers, or employees, on the one hand, and either Lockwood & Co., or I. J. Schenin Co. or any of the partners, principals, or employees of either of said firms, on the other hand.

11. (A). State whether, at any time during the period from February 28, 1968, to February 28, 1969, defendant was in a "fail to receive" position with respect to any securities bought by defendant, as principal or as broker for its customers.

(B). If the answer to (A) is yes, set forth as of the end of each month during said period the aggregate value of the securities bought by the defendant but not received in due time and which were carried on its books as "fails to receive".

(C). If the answer to (A) is yes, state whether the defendant was in a "fail to receive" position with respect to any securities due from either Lockwood & Co. or I. J. Schenin Co.

(D). If the answer to (C) is yes, set forth the dates, the description, amount and value of the securities, the firm from which due, the time when each "fail" was cleared, whether defendant sent any "buy-in" notice(s), and whether any "fail" was cleared by consummation by defendant of a "buy-in" procedure.

12. (A). State whether at any time during the

Plaintiff's Interrogatories Dated March 18, 1970

period from February 28, 1968 to February 28, 1969, defendant was in a "fail to deliver" position with respect to any securities sold by defendant, as principal or as broker for its customers.

(B). If the answer to (A) is yes, set forth as of the end of each month during said period, the aggregate value of the securities sold by the defendant but not delivered in due time and which were carried on its books as "fails to deliver".

(C). If the answer to (A) is yes, state whether the defendant was in a "fail to deliver" position with respect to any securities due to either Lockwood & Co. or I.J. Schenin Co.

(D). If the answer to (C) is yes, set forth the dates, the description, amount and value of the securities, the firm to which due, the time when each "fail" was cleared, whether defendant received any "buy-in" notice(s), and whether any "fail" was cleared by consummation of a "buy-in" procedure.

13. Set forth the last known address of Theodore Titolo, stated by defendant to have been in charge of advertising during the period from January 1, 1967 to December 31, 1968.

14. (A). Set forth in detail the defendant's understanding as to the duties owed by it to its customers and

Plaintiff's Interrogatories Dated March 18, 1970

imposed upon it by law as alleged by the defendant in paragraph Third of its Answer.

(B). State whether the defendant denies that the Rules of the Securities and Exchange Commission, the rules of the New York Stock Exchange, and the rules of the National Association of Securities Dealers, require that the defendant (1) in its dealings with its customers, use the highest standards of commercial honor and just and equitable principles of trade, and (2) in its dealings as a broker for said customers, owes undivided fidelity and loyalty to said customers.

15. State whether the defendant, at the time when it accepted the account of the plaintiff as its customer, intended at all times to abide by and be governed in its conduct with plaintiff by the Rules of the Securities and Exchange Commission and the rules of the New York Stock Exchange and the National Association of Securities Dealers.

16. State whether the defendant intended (1) at the time when it accepted the account of the plaintiff as its customer, and (2) at all times thereafter, to devote the proper amount of time, energy and attention, and to exercise its utmost care and fidelity and loyalty in the exercise of plaintiff's orders, and to use towards plaintiff the highest standards of commercial honor and just and equitable principles of trade.

Plaintiff's Interrogatories Dated March 18, 1970

17. State whether the defendant denies that among New York Stock National of Securities Dealers the rules of the/Exchange and the/Association/are Rules 174 and 184 of the/Exchange and Sections 4 and 59 of the Uniform Practice Code of the/Association/and that said Rules and Sections provide that if a broker cannot secure delivery of securities paid for in cash by its customer on or before a certain number of days after the transaction occurred, the broker is obliged to buy in said securities at the best available market and charge the seller therefor.

18. (A). State whether the settlement or due dates for the payment and the delivery of the 5000 shares of stock of Bartep allegedly purchased for plaintiff on October 21, 1968 and October 22, 1968, were October 28, 1968 and October 29, 1968, respectively.

(B). If the answer to (A) above is not "yes", set forth the settlement or due dates for the payment for and the delivery of the said 5000 shares.

Dated:

March 18, 1970

Yours,

LIVINGSTON, LIVINGSTON & HARRIS

By

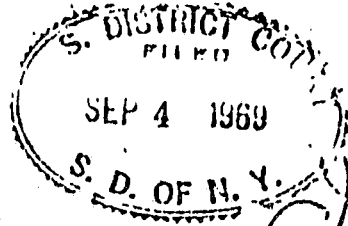
Kyle Harris

a member of the firm
Attorneys for Plaintiff
Office and P. O. Address
292 Madison Avenue
New York, New York 10017
(212) 869-3633

TO: GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
1 Wall Street
New York, New York

DEFENDANT'S NOTICE OF MOTION FOR A MORE DEFINITE
STATEMENT DATED SEPTEMBER 3, 1969

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD FISHER,

69 Civ. 3312

Plaintiff,

NOTICE OF MOTION

-against-

HARRIS, UPHAM & CO. INCORPORATED,

Defendant.

MEMO. ENDORSED

S I R S :

PLEASE TAKE NOTICE that upon the complaint herein (Exhibit A hereto) and the written interrogatories propounded by plaintiff (Exhibit B hereto), the undersigned will move this Court, at a special part thereof for the hearing of motions to be held in Room 506 of the United States Court House, Foley Square, Borough of Manhattan, City and State of New York, on the 23rd day of September, 1969, at 10:00 o'clock a.m. in the forenoon of that day or as soon thereafter as counsel can be heard:

1. For an order pursuant to F.R.C.P. 9(b) and 12(e) directing the plaintiff to serve and file an amended complaint alleging the circumstances constituting the fraud, conspiracy and manipulations claimed to have been

*Defendant's Notice of Motion for a More Definite
Statement Dated September 3, 1969*

engaged in by defendant with particularity, as required by
F.R.C.P. 9(b); and

2. For an order pursuant to F.R.C.P. 30(b) and 33
extending the time in which defendant may answer or move with
respect to the written interrogatories propounded by
plaintiff until this motion is decided and F.R.C.P. 9(b)
complied with.

PLEASE TAKE FURTHER NOTICE that in accordance with
Rule 9(c)(2) of the General Rules of this Honorable Court,
answering memoranda shall be served upon the undersigned at
least three (3) days before the return day hereof.

Dated: New York, New York
September 3, 1969.

Yours, etc.,

GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant

By Charles J. Newbridge
A member of the firm

TO: LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017

PLAINTIFF'S AFFIDAVIT (SEPTEMBER 18, 1969) IN OPPOSITION
TO MOTION FOR A MORE DEFINITE STATEMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
HAROLD FISHER,

Plaintiff,

- against -

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.

AFFIDAVIT IN OPPOSITION
TO DEFENDANT'S MOTION
UNDER RULES 9(b) AND
12(e), FEDERAL RULES OF
CIVIL PROCEDURE AND
INCIDENTAL RELIEF

69 CIV. 3312
-----x

I, ALAN HARRIS, being duly sworn, deposes and says:

1. He is a member of the firm of Livingston, Livingston & Harris, attorneys for the plaintiff herein, is fully familiar with all the papers and prior proceedings in this action and based on the knowledge so obtained submits this affidavit in opposition to the defendant's motion under Rules 9(b) and 12(e) of the Federal Rules of Civil Procedure ("Rules"), for an order to make the complaint more definite and certain and for an order under Rules 30(b) and 33 extending defendant's time to answer certain interrogatories propounded by plaintiff of it.

2. This is an action by a customer against his stockbroker, which broker, although paid in cash almost \$33,000 on the "settlement date" in connection with the alleged pur-

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

chase of stock for the customer by the broker (as agent), never obtained delivery of the stock until after some four months and after the customer had advised his agent to return his money and cancel the transactions. The complaint alleges that the acts and omissions to act of the broker, in addition to giving rise to common-law causes of action, constitute violations of the Securities Exchange Act of 1934, and the Rules of the Securities and Exchange Commission. Almost all of the material and relevant facts are within the knowledge of and constitute the acts and actions of the defendant broker in dealing with other broker-dealers whose identity obviously is unknown to plaintiff and in carrying out its responsibilities to plaintiff to deliver securities promptly.

3. The complaint herein was served on July 30, 1969. Heretofore and on August 15, 1969, defendant moved by order to show cause for an order under Rule 30(b) and Rule 33 extending its time to answer or move with respect to the complaint and to answer or move with respect to these same interrogatories propounded by plaintiff until after defendant had completed taking plaintiff's deposition. Said motion came on for hearing on August 23rd and on August 25th the motion was denied, the Court's opinion reading as follows:

"This is a motion by defendant for an order

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

extending defendant's time to answer or move with respect to the complaint (served July 30, 1969) and with respect to interrogatories of plaintiff (served August 13, 1969) until ten days after completion of the taking by defendant of the deposition of plaintiff.

"Study of the papers confirms the impression expressed at oral argument that the motion is without merit.

"The motion is in all respects denied.

"The time of defendant within which to answer or move with respect to the complaint and the interrogatories of plaintiff is extended to and including September 3, 1969.

"SO ORDERED."

4. Your deponent submits that the present motion is merely a device to further delay and harass the plaintiff and to gain the same advantage that defendant failed to obtain in its first attempt. As is shown below, the defendant's present motion is based upon the identical alleged defects and ambiguity of the complaint which were the stated grounds for its prior motion, although defendant now relies upon Rules 9(b) and 12(e). Thus, its present motion clearly seeks to circumvent the result and effect of this Court's prior order of August 25, 1969, and is not made in good faith.

5. Defendant's prior moving affidavit of Charles L.

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

Trowbridge sworn to August 14, 1969, in paragraph 8 stated as follows:

"8. As the complaint (Exhibit A) discloses, defendant is charged generally with having fraudulently misrepresented material facts to plaintiff, conspiring with sellers of the stock in Bartep Industries, Inc. to maintain the price thereof, engaging in unspecified manipulative practices and, by means of unidentified advertising material allegedly mailed to plaintiff, misrepresenting various material facts, violating in some unstated manner the standards of commercial honor and loyalty to its customers required of it, as well as committing false, fraudulent and grossly wanton acts, the specifics of which are not set forth. It is fundamental that under the notice pleading procedure of the F.R.C.P., amplification of such pleadings by appropriate discovery methods is necessary in order that counsel may effectively and expeditiously prepare for pleading, motions and trial. Defendant needs to examine plaintiff fully to ascertain the specific facts upon which the numerous conclusory allegations of plaintiff's complaint are purportedly based so as to enable defendant to intelligently prepare its defense."

6. The lack of good faith and merit in the present motion is demonstrated by the fact that defendant did raise the issue that the complaint was so vague and ambiguous that it could not respond thereto at the time that it made its prior motion for an extension of time. As noted, defendant had been served with the complaint in this action on July 30th. By August 15, 1969, the date of the prior motion, defendant had discovered the so-called defects in this pleading. At that

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

time, defendant, deliberately or otherwise, failed to cite Rules 9(b) and 12(e) as support for its application. Rather, defendant believed that it could try to achieve its desired result, not once, but twice. Having lost out in its first attempt, defendant now wishes to rely upon the aforesaid rules. It is crystal clear from the recitation of these undeniable facts that this motion is merely made to harass plaintiff and to stall off the date when defendant must answer.

7. Turning to the substance of this motion, defendant picks and chooses various paragraphs of the complaint in order to state that as a whole it is vague and ambiguous. Defendant leaps from paragraphs 5 through 7 to paragraphs 13 and 15 mischaracterizing and taking out of context as it goes. Combining these paragraphs, it says that the circumstances constituting the fraud perpetrated by the defendant are not stated with sufficient particularity. Defendant overlooks the allegations contained in paragraphs 11, 12 and 14 of the complaint. The complaint in paragraph 11 sets forth that defendant advised plaintiff that it had purchased certain shares of stock and also delivered confirmations of said purchase. Paragraph 12 states that in delivering said confirmations for the purchase of stock, that defendant represented to plaintiff that it could secure delivery of said stock within the times limited by

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

the rules of the New York Stock Exchange and the National Association of Securities Dealers. Paragraphs 13, 14 and 15 specifically allege that these representations and the representations made by defendant as to the care and duty that it owed to plaintiff were false and untrue and known by defendant to be false and untrue. By carefully omitting to direct the Court's attention to paragraphs 11, 12 and 14, defendant conceals from the Court the burden and thrust of plaintiff's complaint and the specific detailed allegations contained therein. These paragraphs together with paragraphs 13 and 15 spell out clearly the exact fraudulent misrepresentations made by defendant and the circumstances of the fraud. When the allegations of all these paragraphs are read together in their entirety they give defendant ample notice of the issues that it must meet.

8. In considering whether the allegations of this complaint are sufficiently clear so as to give notice to defendant of the circumstances of this fraud, it must be borne in mind that defendant is a large moneyed institution and plaintiff an individual. Many of the facts alleged are peculiarly within the defendant's knowledge. They are not within the knowledge of plaintiff. Therefore, such facts have to be pleaded on information and belief. Defendant knows of its

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

dealings with other broker dealers in the over-the-counter market in the transaction giving rise to this action. Plaintiff was not privy to those transactions. Therefore, defendant has knowledge of the facts and can meet this issue.

9. As to whether defendant acted as part of a conspiracy, and with whom, by the very nature of the case, cannot be known by the plaintiff at this time. However, absent such a conspiracy, defendant would, in the opinion of the Securities and Exchange Commission, be in violation of the antifraud provisions, particularly Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934, when it buys a security as a broker if the defendant has reason to believe that he will not be able to deliver promptly, based upon the implied representation that he will deal fairly and that the transaction will be consummated promptly. (Exchange Act Release No. 8363, 33 Federal Register 11,150, August 7, 1968.)

10. Motions under Rule 12(e) are not substitutes for discovery. They are not designed to force plaintiff to plead evidence. Defendant by making this motion is attempting to do just that.

11. From all of the above it should be clear that

*Plaintiff's Affidavit (September 18, 1969) in Opposition
to Motion for a More Definite Statement*

the present motion is not made in good faith and is wholly
lacking in merit and should be denied; and plaintiff should be
awarded costs upon this motion.

WHEREFORE, your deponent respectfully requests that
the motion be denied in all respects and costs awarded to
plaintiff.

I. Alan Harris

Sworn to before me this
18th day of September, 1969.

Notary Public

ERNST L. BENDIX
Notary Public, State of New York
No. 43-0238125
Qualified in Richmond County
Certificate filed in New York County
Commission Expires March 30, 1971

DEFENDANT'S ANSWERS (OCTOBER 3, 1969) TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,	:	
	:	69 Civ. 3312
Plaintiff,	:	
	:	ANSWERS TO INTER-
-against-	:	<u>ROGATORIES</u>
HARRIS, UPHAM & CO. INCORPORATED,	:	
	:	
Defendant.	:	

-----x

Defendant, Harris, Upham & Co. Incorporated, for its answers to the interrogatories propounded by plaintiff, respectfully alleges upon information and belief as follows:

1. No person was employed by defendant as a trader in the shares of Bartep Industries, Inc. on the over-the-counter market between October 20, 1968, and February 17, 1969. Defendant did employ a clerk in its over-the-counter department who executed the purchase orders referred to in the complaint. That clerk's name is Arnold Frankel, who terminated his employment with defendant on March 14, 1969, and is now associated with Sidney Siegel & Co., New York, New York.

2. Arnold Frankel, referred to above, and Benjamin Cowan, employed by defendant as a registered representative in defendant's Miami Beach branch office, 1085 Kane Concourse, Miami Beach, Florida 33154.

3. To the best of defendant's present knowledge, there were, among the broker dealers who maintained or created a market in the shares of Bartep Industries, Inc., during October, 1968, I. J. Schenin Co., 17070 Collins Avenue, Miami Beach, Florida 33160, M. S. Wien & Co., Inc., One Exchange Place, Jersey City, New Jersey 07302, and Lockwood & Co., 55 Liberty Street, New York, New York 10005.

4. I. J. Schenin Co., M. S. Wien & Co., Inc., and Lockwood & Co., addresses given above.

5. October 21, 1968, Lockwood & Co. 500 shs.

October 22, 1968, Lockwood & Co. 1,000 shs.

October 22, 1968, Schenin Co. 2,500 shs.

300 shares in Bartep Industries, Inc. purchased for plaintiff's risk and account were purchased by pairing off 300 shares sold on October 22, 1968, by a customer of defendant's Ft. Lauderdale, Florida branch office.

6. Defendant received confirmations for 1,000 shares from Lockwood & Co. and received its duplicate comparison for an additional 500 shares from Lockwood. Defendant received confirmations for 2,500 shares from I. J. Schenin Co. Said confirmations were received between October 22, 1968, and October 29, 1968, by employees in defendant's back office, whose names are not presently known to defendant.

7. So far as defendant has been able to ascertain,

Defendant's Answers (October 3, 1969) to Interrogatories

neither Mr. Frankel nor anyone else in its employ made express inquiries of the above-mentioned broker dealers as to whether they had available for delivery certificates for the aforementioned shares of Bartep Industries, Inc. at the times when the aforesaid confirmations were received.

8. Confirmations for the purchase of 4,000 shares of Bartep for plaintiff's account were sent by defendant to Lockwood & Co. (1500 shares) and to I. J. Schenin Co. (2500 shares) between October 22, 1968, and October 29, 1968, by personnel employed in defendant's back office, whose names defendant cannot now provide. Said confirmations were, so far as defendant has been able to ascertain, addressed to Lockwood & Co. and to I. J. Schenin Co. and not to any particular person or persons in their employ.

9. The deliveries of certificates for shares in Bartep Industries, Inc. made to defendant in respect of plaintiff's purchase, took place as follows:

<u>Date</u>	<u>By Whom</u>	<u>No. of Shares</u>
October 30, 1968	I. J. Schenin Co.	200 shares
November 6, 1968	I. J. Schenin Co.	1,000 shares
November 13, 1968	I. J. Schenin Co.	800 shares
November 29, 1968	I. J. Schenin Co.	500 shares
October 30, 1968	Lockwood & Co.	1,000 shares
December 5, 1968	Lockwood & Co.	500 shares

Defendant's Answers (October 3, 1969) to Interrogatories

The above certificates appeared to be registered
in the following names when delivered:

<u>Cert. No.</u>	<u>No. of Shares</u>	<u>Name In Which Registered</u>
1438C	500	Bear Stearns & Co.
1422C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.
1423C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.
593S	100	Harry Klein

<u>Cert. No.</u>	<u>No. of Shares</u>	<u>Name In Which Registered</u>
612S	100	Barbara Flaum
613S	100	Barbara Flaum
696S	100	Milton C. Herman
697S	100	Milton C. Herman
698S	100	Milton C. Herman
699S	100	Milton C. Herman
742S	100	Bear Stearns & Co.
743S	100	Bear Stearns & Co.
1298C	100	Myron R. Boraks
1296C	100	Myron R. Boraks
1297C	100	Myron R. Boraks
1074S	100	Nic Torreli
906S	100	Samuel Miller
907S	100	Samuel Miller

Defendant's Answers (October 3, 1969) to Interrogatories

<u>Cert. No.</u>	<u>No. of Shares</u>	<u>Name in Which Registered</u>
905S	100	Samuel Miller
574S	100	WESCO & Company
1421C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.
1420C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.

Defendant is seeking to ascertain the names in which the additional shares were registered and will supply them to plaintiff if and when they become known to it.

10. Irrelevant.

11. Defendant did not pay to anyone or any group of broker dealers, the sum of \$32,999.25, nor did defendant receive that amount from plaintiff for the purchase of shares in Bartep Industries, Inc., as erroneously presupposed by this interrogatory.

12. Plaintiff purchased in his account with defendant 5,000 shares of Bartep Industries, Inc. for a net cost of \$33,099.25 consisting of a net cost of \$2,560.00 for the 500 shares bought on October 21, 1968, and a net cost of \$30,539.25 for 4,500 shares bought on October 22, 1968. There was a previous credit balance in plaintiff's account as of October 25, 1968, of \$214.86. On or about October 28, 1968, defendant sold 24,000 U.S. Treasury Bills due 12/10/68

realizing net proceeds therefor in his account of \$23,808.86. On October 30, 1968, plaintiff's account was credited in the amount of \$35.07 on account of cash in lieu of a fractional share of SCM Corp., held in street name. On October 31, 1968, plaintiff's account was credited with a check from him in the amount of \$9,075.59. On November 21, 1968, plaintiff's account was credited with \$231.75 on account of a dividend on 1,545 shares of SCM Corp. The net cost of the 5,000 shares of Bartep stock, i.e., \$33,099.25, was paid for by application of all but .06 of the above monies other than the \$35.07 item and the \$231.75 item. This resulted in a credit balance in the amount of \$266.88 in plaintiff's account as of November 30, 1968.

13. Defendant's search of its records has not revealed any such demand specifically applicable to 5,000 shares. Defendant may well have sent buy-in notices to I. J. Schenin Co. and Lockwood & Co. subsequent to the settlement dates in question when the certificates were not delivered to defendant by said dates. It is defendant's practice, however, to destroy its copies of the notices of buy-in when the certificates to which they apply have been delivered. Since the certificates in question were delivered by said brokers, any such notices of buy-in would have been destroyed.

Defendant's Answers (October 3, 1969) to Interrogatories

14. Not applicable.

15. See answers given above. When the selling brokers, I. J. Schenin Co. and Lockwood & Co. failed to deliver on or about the settlement date of each of the above transactions, defendant prepared a fail ticket with regard to said items and entered said fail items in its records as their "they fail" items against the aforesaid brokers. When the certificates for said shares were received by defendant, the fail tickets were so marked and entries were made in defendant's records to show that the aforesaid brokers were no longer in a fail position in regard to said securities.

16. See above.

17. See answer to interrogatory No. 13.

18. See answer to interrogatory No. 13.

19. Theodore Titolo was in charge of advertising during the period in question. Mr. Harry C. Schaack, who succeeded Mr. Titolo as advertising manager at the beginning of 1969, was working with him in the Advertising Department during November and December, 1968.

20. Yes.

21. Inapplicable.

22. No.

Defendant's Answers (October 3, 1969) to Interrogatories

- 23. See Schedule A attached.
- 24. None.
- 25. Yes.
- 26. Unknown.
- 27. Defendant maintains a partial file of advertisements at its main office, 120 Broadway, New York, New York 10005 in charge of Mr. Harry C. Schaak.

Dated: New York, New York
October 3, 1969

GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant

By /s/ Charles L. Trowbridge
Charles L. Trowbridge
A member of the firm

(Verified)

DEFENDANT'S ANSWERS (APRIL 2, 1970) TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO. INCORPORATED,

Defendant.

----- x

:
69 Civ. 3312
:
DEFENDANT'S ANSWERS
: TO INTERROGATORIES
:
DATED MARCH 18, 1970
:

Defendant Harris, Upham & Co. Incorporated for its answers to the second set of interrogatories propounded by plaintiff alleges upon information and belief as follows:

1(A) Irrelevant.

1(B) and (C) Presently unknown, defendant is checking.

2(A) c/o Sidney A. Siegel & Co. Inc., 39 Broadway, New York, New York 10004.

2(B) Irrelevant.

3(A) Previously answered. See answer No. 7 in Answers to Interrogatories dated October 3, 1969.

3(B) Not applicable.

4(A) and (B) William O. Smythe. Supervisor Transfer Department. Mr. Smythe communicated with Robert Mallett and Lillian Sanchez in defendant's Miami Beach office, as per the Exhibits 1 through 8 attached hereto.

5(A) and (B). Irrelevant.

Defendant's Answers (April 2, 1970) to Interrogatories

6 Previously answered. See answer No. 15 in Answers to Interrogatories dated October 3, 1969.

7(A) Previously answered. See answer No. 9 in Answers to Interrogatories dated October 3, 1969.

7(B) Certificates representing the 4,000 shares set forth in answer number 9 to the interrogatories by Plaintiff dated August 13, 1969, were sent to Defendant's vault on various dates from approximately October 30, 1968 through November 28, 1968 and within a day or two of receipt were taken from Defendant's vault and sent to Bartep's transfer agent, Securities Transfer Ltd. in Miami, Fla to be transferred into the name of Defendant. In December, 1968, Defendant telephoned Securities Transfer Ltd. with regard to delivery of the new certificates in Defendant's name. Defendant was told that they were no longer the transfer agent for Bartep and that Bartep picked up any stock which had been sent to Securities Transfer Ltd. for transfer. Defendant then called Bartep which said they picked up stock that was sent to Securities Transfer Ltd., and had forwarded same to their new transfer agent, Registrar & Transfer Co. in Jersey City, N. J. On inquiry as to the delay in transfer at Registrar & Transfer Co., Jersey City, N. J., we were informed they had processed

Defendant's Answers (April 2, 1970) to Interrogatories

no transfers but would begin transferring as soon as Bartep furnished blank certificates. On or about January 27, 1969, certain of said certificates, representing 3,000 shares, were returned to Defendant by Registrar & Transfer Co., the latter stating to the former that said certificates were restricted and not to be transferred. Registrar & Transfer Co. did transfer certificates representing 1,000 shares of stock into Defendant's name. After receiving the aforesaid certificates representing 3,000 shares back from Registrar & Transfer Co., Defendant held said certificates in its "cage" where they remained until February, 1970.

8. Previously answered. See answer No. 11 in Answers to Interrogatories dated October 3, 1969.

9. See answer #7 (B) above. In March 1969, Defendant had 5,000 shares of Bartep Ind., Inc. transferred into the name of Plaintiff and said shares were delivered to Plaintiff in April, 1969.

10. Irrelevant.

11(A) Yes.

11(B) (C) (D) Irrelevant

12(A) Yes.

12(B) (C) (D) Irrelevant

Defendant's Answers (April 2, 1970) to Interrogatories

13. Presently unavailable.

14(A) Irrelevant and incompetent.

14(B) These rules speak for themselves.

15. Yes, as applicable.

16. Yes.

17. The Rules and Sections of the New York Stock Exchange and National Association of Securities Dealers speak for themselves.

18(A) Yes.

18(B) Not applicable.

Dated: New York, New York
April 2, 1970.

GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant

By: /s/ Charles L. Trowbridge
Charles L. Trowbridge
Member of the Firm

(Verified)

EXHIBIT 1--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIESHARRIS, UPHAM & CO
INCORPORATEDPRIVATE WIRE

3-13

Call Jean Ackerman of T.J. Schenck
 Co - Miami Beach phone 949-7421
 & ask what she has heard re my
 letter to her dated 3-6 on Bander
 Industries. If she cannot get stop release
 we will have to fail all stock back to them.
 The Smelter

Exhibit 1

EXHIBIT 2--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

ORDER 7 P 2.5MIN

HARRIS, UPHAM & Co
INCORPORATED

PRIVATE WIRE

8-8-

FL
tel Re-Barber Industries
Now that this is trading again
did company ~~help~~ Robert stop
transfer against life which they had
placed ———— Soule

Exhibit 2

A 61

EXHIBIT 3--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

-- 19 WRS 55 FL 041069-1004

MES RACE RE BARTEP SEND TO AMER BNK ATT GEORGE
MARSELL VS PAYMENT NO
PROBLEM RM

#

Exhibit 3 •

A 62

EXHIBIT 4--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

46 CSE 42 FL 040969-0939

SMYTHE RE BARTEP CO IS GG TO ISSUE FINANCIAL STMT
WEN THEY DO SEC WIL ALLOW TRADING
U CAN DO NOTHING AS U CANT BUY IN A SUSPENDED
STK RM FL

#

Exhibit 4

A 63

EXHIBIT 5--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

ORDER 7 P 2.5MM

HARRIS, UPHAM & CO
INCORPORATED

PRIVATE WIRE

FL
RM

4-9

Re Barber

Please recheck Jean Ackerman at
I. J. Schenier re release on the case
we are holding. If they do not want
MCS says we have to fail for money
Exhibit 5

A 64

EXHIBIT 6--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

125 CGE 98 FL 032469-1141

SMYTHE RE BARTEP EXPECTS TO HEAR IN FEW DAYS RM

Exhibit 6

F
L
P
I
d
P
T

A 65

EXHIBIT 7--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

ORDER 7 P 2.5MM

HARRIS, UPHAM & CO
INCORPORATED

PRIVATE WIRE

3-24

Re Bonding Ind.

please check with Jean Ackerman at
J. Schenier again - phone 948-7421
see if she has heard from Abby Re
deceit of stop on shares they del'd do us. Being
needed for the stock - Smughe eye

Exhibit 7

A 66

EXHIBIT 8--COMMUNICATION ANNEXED TO DEFENDANT'S
ANSWERS TO INTERROGATORIES

68 CSE 43 FL 031459-1029

SMYTHE RE UJ SCHEVIN-BARTER UR LTR DTD 3/6 WAS
NVR RECD UNTIL 3/12 AND IT WIL TAKE APT 1 WEEK
BE4 SHE WIL HVE COUNSEL OPIN FOR U LIL

B. Bart

Exhibit 8

DEFENDANT'S AMENDED ANSWERS (OCTOBER 5, 1970)
TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

HAROLD FISHER,	:	
	:	69Civ. 3312
Plaintiff,	:	
	:	FIRST AMENDED
- against -	:	ANSWERS TO
	:	INTERROGATORIES
HARRIS, UPHAM & CO.,	:	
	:	
Defendant.	:	

- - - - -X

Defendant, Harris Upham & Co., Inc. for its answers to the interrogatories propounded by plaintiff on August 13, 1969 and in accordance with the Order of the United States District Court of the Southern District of New York dated September 15, 1970, by Marvin E. Frankel, Judge, respectfully alleges as follows:

1. No person was employed by defendant as a trader in the shares of Bartep Industries, Inc. on the over-the-counter market between October 20, 1968, and February 19, 1969. Defendant did employ a clerk in its over-the-counter department who executed the purchase orders referred to in the complaint. That clerk's name is Arnold Frankel, who terminated his employment with defendant on March 14, 1969 and is now associated with Sidney Siegel & Co., New York; N.Y.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

2. Arnold Frankel, referred to above, and Benjamin Cowan employed by defendant as a registered representative in defendant's Miami Beach branch office, 1085 Kane Concourse, Miami Beach, Florida 33154.

3. To the best of defendant's present knowledge, there were, among the broker dealers who maintained or created a market in the shares of Bartep Industries, Inc., during October, 1968, I. J. Schenin Co., 17070 Collins Avenue, Miami Beach, Florida 33160, M. S. Wien & Co., Inc., One Exchange Place, Jersey City, New Jersey 07302, and Lockwood & Co., 55 Liberty Street, New York, New York 10005.

4. I. J. Schenin Co., M. S. Wien & Co., Inc. and Lockwood & Co., addresses given above.

5. October 21, 1968 Lockwood & Co.	500 shs.
October 22, 1968 Lockwood & Co.	1,000 shs.
October 22, 1968 Schenin Co.	2,500 shs.

300 shares of Bartep Industries, Inc. purchased for plaintiff's risk and account were purchased by pairing off 300 shares sold on October 22, 1968 by a customer of

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories,*

defendant's Fort Lauderdale, Florida, branch office, Louis Padula, 2368 Castilla Isle, Fort Lauderdale, Florida 33301.

Defendant cannot with certainty account for the transaction involving the remaining 700 shares Bartep Industries, Inc. However, after an exhaustive investigation of its records, it can state and does admit that through an error of one of its employees whose identity defendant does not know, two tickets were processed through defendant's Purchase & Sale Department registering the purchase on account of plaintiff of a total of 1,300 shares of Bartep Industries, Inc. on October 29, 1968 at 6½ while actually only 600 shares of Bartep Industries, Inc. were purchased on that date for plaintiff's account with the net result that defendant represented to plaintiff that it had purchased a total of 5,000 shares of Bartep Industries, Inc. while in fact it had purchased only 4,300 shares of Bartep Industries, Inc. on that date. Due to missing or non-existing records, defendant is unable to verify that such event actually took place but is willing, for the purposes of this litigation, to admit that such event happened and that defendant advanced 700 shares of Bartep Industries, Inc. from its own account to cover the plaintiff's rightful position when time for delivery of such securities came.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

6. Defendant received confirmations for 1,000 shares from Lockwood & Co. and received its duplicate comparison for an additional 500 shares from Lockwood & Co. Defendant received confirmations for 2,500 shares from I. J. Schenin Co. Such confirmations were received between October 27, 1968 and October 29, 1968 by employees in defendant's back office. Since 300 shares were paired from a transaction defendant's customer in Fort Lauderdale, Florida, and the remaining 700 shares presumably not purchased at the time of plaintiff's transaction, no confirmations were received from any broker dealer regarding such 1,000 shares. Any one or more of defendant's employees in its Over-the-Counter Department could have handled or received such confirmations. Such employees were:

Francis J. Charles
20 Cliff Street
Staten Island, N.Y.
AF 1539 091 03 0386

Donald A. Dugan
2391 Veble Avenue
Bronx, New York 10468
AF 2542 132 14 2360 .

Michael H. Falk
225 West 106th Street
New York, N.Y.
AF 2859 059 01 4470

Benjamin Federbusch
87 10 204th Street
Hollis, L. I., N.Y.
AF 2904 060 07 7317

A 71

*Defendant's Amended Answers (October 5, 1970
to Interrogatories*

Arnold N. Frankel
5552 Netherland Avenue
Riversdale, N.Y. 10471
AF 3144 099 36 2761

Gary Fredricks
96-01 Shore Road
Brooklyn, N.Y.
AF 3177 098 30 5921

John P. Gallagher
1140 Troy Avenue
Brooklyn, N.Y.
AF 3295 056 16 3276

William J. Gaynor
2704 University Avenue
Bronx, N.Y. 10468
AF 3370 053 36 0079

Alan M. Green
100 Linden Blvd.
Brooklyn, N.U. 11226
AF 3690 061 34 8362

Harvey Israel
236 N. Syracuse Avenue
N Massapequa, N.Y.
AF 4706 080 30 4477

Richard J. Karmol
723 East 48th Street
Brooklyn, N.Y. 11203
AF 4925 050 36 1807

Edward J. Keaveny
46 Elm Street
Lynbrook, L.I., N.Y.
AF 4954 066 01 9890

Adeline Kothe
1358 67th Street
Brooklyn, N.Y. 11219
AF 5226 132 05 2111

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

Andrew J. McCaffery
248 East 74th Street
New York, N.Y.
AF 5804 057 01 3556

James W. McConnell
61 Watchung Blvd.
Murray Hill, N.J. 07974
AF 5843 143 38 7579

James MacKenzie
190 Freeborn Street
Staten Island 6, N.Y.
AF 6032 082 36 7408

Elvera Mauro
1630 West 13th Street
Brooklyn, N.Y. 11223
AF 6272 127 30 7797

Hayes A. Noel, Jr.
1217 Park Avenue
New York, N.Y. 10028
AF 6870 412 64 6638

Marcus H. Politziner
1396 Beach 28th Street
Far Rockaway, N.Y.
AF 7378 130 16 5784

E. Markey Pullen, Jr.
92-11 35th Avenue
Jackson Heights, N.Y. 11372
AF 7479 043 22 3644

Eileen M. Rail
1973 East 27th Street
Brooklyn, New York 11229
AF 7529 125 34 0146

Jack I. Rogg
451 East 14th Street
New York, N.Y. 10009
AF 7790 102 10 7294

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

Jerry M. Sobel
41-25 Kissena Blvd.
Flushing, N.Y.
AF 8518 034 34 0846

Edward T. Thompson
11343 S. W. 61st Court
Miami, Florida 33156
AF 8985 063 09 5377

Christine M. Thompson
66-11 99th Street
Forest Hills, N.Y.
AF 8989 055 40 4282

Walter R. Winfield
445 Beach 130th Street
Belle Harbor, N.Y. 11694
AF 9775 058 03 3261

Joseph Wittermann
4041 Eve Drive
Seaford, L.I., N.Y.
AF 9802 083 03 9013

Furthermore, any one or more of defendant's employees in its Purchase and Sale Department could have handled such confirmations. Since there were over 200 persons employed in such department, their names and addresses will be furnished on request.

7. So far as defendant has been able to ascertain, neither Mr. Frankel nor anyone else in its employ made express inquiry of the above-mentioned brokers-dealers as to whether they had available for delivery certificates

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

for the aforementioned shares of Bartep Industries, Inc.
at the times when the aforesaid confirmations were received.

8. Confirmations for the purchase of 4,000 shares of Bartep Industries, Inc. for plaintiff's account were sent by defendant to Lockwood & Co. (1,500 shares) and to I. J. Schenin Co. (2,500 shares) between October 22, 1968 and October 29, 1968 by personnel employed in defendant's back office which comprised over 300 employees whose names and addresses will be furnished on request. That confirmations were, so far as defendant has been able to ascertain, addressed to Lockwood & Co. and I. J. Schenin Co. and not to any particular person or persons in their employ. Regarding the 300 shares paired by defendant's customer in Fort Lauderdale, Florida, no confirmation was sent to any broker-dealer on such transaction and, based on the assumption that the remaining 700 shares were never actually purchased on the open market, but rather were covered by defendant's own holdings in Bartep Industries, Inc., no confirmation was sent to any broker-dealer on such shares.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

9. The delivery of securities for shares in Bartep Industries, Inc. made by defendant with respect to plaintiff's purchase took place as follows:

<u>Date</u>	<u>By Whom</u>	<u>No. of Shares</u>	
10/30/68	I. J. Schenin Co.	200	
10/30/68	Louis Padula	300	
11/06/68	I. J. Schenin Co.	1,000	1,000
11/13/68	I. J. Schenin Co.	800	400
11/29/68	I. J. Schenin Co.	500	500
10/28/69	Lockwood & Co.	1,000	500
12/04/69	Lockwood & Co.	500	May

The remaining 700 shares were again apparently not purchased on the open market or from any other seller, but rather were covered from defendant's own position in Bartep Industries, Inc. Accordingly, no actual delivery of certificates of Bartep Industries, Inc. was made with respect to the remaining 700 shares.

The above certificates appeared to be registered in the following names when delivered:

<u>Amount</u>	<u>In Name of:</u>	<u>Cert. No.</u>	<u>Date Rec'd</u>
100	Howell Sherman	443 ...	10/28/68
100	Myron R. Brooks	690 ...	10/28/68
100	Myron R. Brooks	689 ...	10/28/68
100	Myron R. Brooks	688 ...	10/28/68

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

<u>Amount</u>	<u>In Name of:</u>	<u>Cert. No.</u>	<u>Date Rec'd</u>
✓ 100	Myron R. Brooks	687 ...	10/28/68
✓ 100	H. Hentz Co.	664 ...	10/30/68
✓ 100	H. Hentz Co.	668 ...	10/30/68
200	Merrill Lynch	1421 ...	11/06/68
200	Merrill Lynch.	1422 ...	11/06/68
✓ 100	Wesco Co.	574 ...	11/06/68
100	Milton C. Herman	696 ...	11/06/68
100	Milton C. Herman	697 ...	11/06/68
100	Milton C. Herman	698 ...	11/06/68
100	Milton C. Herman	699 ...	11/06/68
100	Barbara Flaum	612 ...	11/06/68
100	Barbara Flaum	613 ...	11/06/68
✓ 100	Burnham Co.	654 ...	11/06/68
✓ 100	Burnham Co.	655 ...	11/06/68
✓ 100	Burnham Co.	656 ...	11/06/68
100	H. Hentz Co.	543 ...	11/13/68
100	Samuel Miller	906 ...	11/13/68
100	Samuel Miller	907 ...	11/13/68
200	Merrill Lynch	1420 ...	11/13/68
200	Merrill Lynch	1423 ...	11/13/68
✓ 100	William Mansudian	606 ...	11/13/68
500	Anne DePasquale	1228 ...	11/29/68
× 500	(Registration un- decipherable)	1226 ...	6/17/69
100	Samuel Miller	905 ...	11/13/68

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

Regarding the 300 shares sold by Louis Padula, 2368 Castilla Isle, Fort Lauderdale, Florida, any 3 of the following 5 certificates apparently were delivered to defendant on account of plaintiff's purchase:

<u>Cert. No.</u>	<u>No. of Shares</u>	<u>Name in which registered:</u>
✓ 651-S	100	Joseph L. Lichtenstein and Joyce K. Lichtenstein
✓ 650-S	100	Joseph L. Lichtenstein and Joyce K. Lichtenstein
✓ 649-S	100	Joseph L. Lichtenstein and Joyce K. Lichtenstein
✓ 742-S	100	Bear Stearns & Co.
✓ 743-S	100	Bear Stearns & Co.

The remaining 700 shares not apparently purchased on the open market and apparently covered from defendant's own position in Bartep Industries, Inc., there was no delivery of certificates accordingly.

Confirmations may have been sent by one or more of defendant's employees in its "cage" whose names and addresses will be furnished on request.

10. The defendant is unable to determine whether it was in a "fail to deliver position" as to I. J. Schenin Co. and Lockwood & Co. for the period October 29, 1968 to February 17, 1969.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

11. Plaintiff purchased in his account with defendant 5,000 shares of Bartep Industries, Inc. for a net cost of \$33,099.25 consisting of a net cost of \$2,560 for the 500 shares bought on October 21, 1968, and a net cost of \$30,539.25 for 4,500 shares bought on October 22, 1968. There was a previous credit balance in plaintiff's account as of October 25, 1968, of \$214.86. On or about October 28, 1968, defendant sold \$24,000 U.S. Treasury Bills due 12/10/68 realizing net proceeds therefor in his account of \$23,808.86. On October 30, 1968, plaintiff's account was credited in the amount of \$35.07 on account of cash in lieu of a fractional share of SCM Corp., held in street name. On October 31, 1968, plaintiff's account was credited with a check from him in the amount of \$9,075.59. On November 21, 1968, plaintiff's account was credited with \$231.75 on account of a dividend on 1,545 shares of SCM Corp. The net cost of the 5,000 shares of Bartep stock, i.e., \$33,099.25, was paid for by application of all but \$.06 of the above monies other than the \$35.07 item and the \$231.75 item. This resulted in a credit balance in the amount of \$266.88 in plaintiff's account as of November 30, 1968.

Defendant drew the following checks in pay-

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

ment of the various purchases made on behalf of plaintiff
of 5,000 shares of Bartep Industries, Inc.:

<u>Check No.</u>	<u>Date</u>	<u>To the order of:</u>	<u>Amount</u>
7685	10/23/68	American Bank & Trust Company a/c Lockwood & Co.	\$2,500.00
22831	11/06/68	American Bank & Trust Company a/c I. J. Schenin Co.	2,400.00
23031	11/13/68	I. J. Schenin Co.	650.00
22511	10/30/68	American Bank & Trust Company a/c I. J. Schenin Co.	625.00
22510	10/30/68	American Bank & Trust Company a/c I. J. Schenin Co.	700.00
22832	11/06/68	American Bank & Trust Company a/c I. J. Schenin Co.	3,250.00
23763	11/29/68	American Bank & Trust Company a/c Lockwood & Co.	3,500.00
22833	11/06/68	American Bank & Trust Company a/c I. J. Schenin Co.	3,500.00
22809	11/06/68	American Bank & Trust Company a/c I. J. Schenin Co.	3,375.00
23039	11/13/68	American Bank & Trust Company a/c I. J. Schenin Co.	2,025.00
28937	6/17/69	Lockwood & Co.	3,250.00

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

The balance of the \$33,099.25 was used to pay brokerage commissions and credit the account of Louis Padula on October 29, 1968 with \$2,050.50 as proceeds of the sale of 300 shares of Bartep Industries, Inc. and to ultimately reimburse defendant for its covering plaintiff's account with its own 700 shares of Bartep Industries, Inc.

12. See Answer Number 11.

13. Defendant does not know whether any demand was ever made of any broker-dealer for the delivery of 5,000 shares of Bartep Industries, Inc. or any part thereof. Nor does the defendant know whether buy-in notices were sent to I. J. Schenin Co. and Lockwood & Co. subsequent to the settlement dates in question when the certificates were not delivered to defendant by said settlement dates. It is defendant's practice to destroy its copies of the notices of buy-in when the certificates to which they apply have been delivered. Since certificates in question were delivered by said brokers any such notices of buy-in would have been destroyed.

14. No demand can be established.

15. See answers given above. When the selling brokers, I. J. Schenin Co. and Lockwood & Co., failed to

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

deliver on or about the settlement date of each of the above transactions, defendant prepared a fail ticket with regard to said items and entered said fail items in its records as their "they fail" items against the aforesaid brokers. When the certificates for said shares were received by defendant the fail tickets were so marked and entries were made in defendant's records to show that the aforesaid brokers were no longer in a fail position with regard to said securities.

16. The same.

17. Defendant does not know whether buy-in notices were sent to I. J. Schenin Co. and Lockwood & Co. subsequent to the settlement dates in question when the certificates were not delivered to defendant by said dates. It is defendant's practice, however, to destroy its copy of the notice of the buy-in when the certificates to which they apply have been delivered. Since the certificates in question were delivered by said brokers any such notices of buy-in would have been destroyed.

18. See Answer to Interrogatory No. 7.

19. Theodore Titolo was in charge of advertising during the period in question. To the best of defendant's knowledge, Theodore Titolo resides at 416 Lafayette Street,

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

New York, N.Y. Theodore Titolo resigned as director of advertising for defendant as of November 25, 1968 and was replaced as director of advertising by Harry C. Schaack. Defendant's records reveal that Harry C. Schaack's residence is Harbor Road, Southport, Connecticut.

The only other employee in the Advertising Department was a general secretary who, during that period, was Judith Hine. Judith Hine's residence, according to defendant's records, is 135 Montgomery Street, Jersey City, New Jersey.

20. Yes.

21. Inapplicable.

22. No.

23. See Schedule A. attached.

24. None

25. Yes.

26. Unknown.

27. Defendant maintains a partial file of advertisements at its main office, 120 Broadway, New York, New York 10005, in charge of Mr. Harry C. Schaack.

Dated: New York, New York
October 5, 1970

HARRIS, UPHAM & CO., INC.

By _____

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAROLD FISHER,	:	69 Civ. 3312
	:	
Plaintiff,	:	DEFENDANT'S AMENDED
	:	ANSWERS TO INTER-
-against-	:	ROGATORIES DATED
	:	<u>MARCH 18, 1970</u>
HARRIS, UPHAM & CO.,	:	
	:	
Defendant.	:	

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Defendant, Harris, Upham & Co., Inc. for its
answers to the second set of interrogatories propounded by
plaintiff on March 18, 1970 alleges as follows:

1. (a) Defendant's customer from whom 300 shares
were purchased is Louis Padula, 2363 Castilla Isle, Fort
Lauderdale, Florida 33301.

1. (b) No.

1. (c) Defendant first possession of said 300
shares on October 30, 1968. Louis Padula had purchased
1,000 shares of Bartep Industries, Inc. on October 28 and
1,000 shares of said stock were delivered by Lockwood &
Co. on October 30, 1968.

300 shares purchased by plaintiff and
paired against a sale by Louis Padula of 300 shares on
October 29, 1968 taken from the following certificates
delivered on October 30:

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

<u>Cert. No.</u>	<u>No. of Shares</u>	<u>Name in which registered:</u>
651-S	100	Joseph L. Lichtenstein and Joyce K. Lichtenstein 2900 Sixth Avenue South Birmingham, Alabama
650-S	100	Joseph L. Lichtenstein and Joyce K. Lichtenstein 2900 Sixth Avenue South Birmingham, Alabama
649-S	100	Joseph L. Lichtenstein and Joyce K. Lichtenstein 2900 Sixth Avenue South Birmingham, Alabama
742-S	100	Bear Stearns & Co. 1 Wall Street New York, New York 10005
743-S	100	Bear Stearns & Co. 1 Wall Street New York, New York 10005

2. (a) c/o Sidney A. Siegel & Co., Inc., 39
Broadway, New York, New York 10004.

Arnold Frankel's last residence address,
according to defendant's records, is 5552 Netherland Avenue,
Riverdale, New York.

2. (b) Irrelevant.

3. (a) Previously answered. See Answer No. 7
in answers to Interrogatories dated October 3, 1969.

3. (b) Not applicable.

4. (a) and (b) William O. Smythe, Supervisor,
Transfer Department. Mr. Smythe communicated with Robert

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

Mallett and Lillian Sanchez in defendant's Miami Beach office, as our exhibits 1 through 8 attached hereto indicate.

5. (a) Yes.

5. (b)

<u>Settlement Date</u>	<u>No. of Shares</u>	<u>Price</u>	<u>Purchase or Sale</u>	<u>Name and Address</u>
10/28/68	1,000	4	Purchase	Louis Padula 2368 Castilla Isle Ft. Lauderdale, Fla. 33301
10/29/68	300	7	Sale	Louis Padula
11/06/68	500	6	Sale	Gus Rubino
	300	6	Sale	2821 NE 11 Street
	200	5-3/4	Sale	Pompano Beach, Fla. 33062
11/08/68	500	6	Purchase	Irving & Marion Weiner 877 NE 195 Street Apt. 119, No. Miami Beach, Florida 33162
11/18/68	100	5-1/2	Sale	Louis Padula
11/21/68	100	6	Sale	Louis Padula
12/02/68	100	6	Sale	Louis Padula
12/03/68	200	6	Sale	Louis Padula
12/13/68	200	6-1/4	Sale	Louis Padula
12/17/68	100	6-3/4	Purchase	Thomas Megaris
	50	6-3/4	Purchase	8 Ashliegh Court Glen Cove, N.Y.
1/02/69	200	5	Purchase	Thomas Megaris
1/09/69	500	5	Sale	Bernard Miller 1041 NE 27 Terrace Pompano Beach, Fla.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

6. Previously answered. See Answer No. 15 and answers to interrogatories dated October 3, 1969.

7. (a) See Answer No. 9 of first set of interrogatories.

7. (b) Certificates representing the 4,000 shares set forth in Answer No. 9 to the interrogatories by plaintiff dated August 13, 1969, were sent to defendant's vault on various dates from approximately October 30, 1968 through November 28, 1968 and within a day or two of receipt were taken from defendant's vault and sent to Bartep's transfer agent, Securities Transfer Ltd. in Miami, Florida to be transferred into the name of defendant. In December, 1968, defendant telephoned Securities Transfer Ltd. with regard to delivery of the new certificates in defendant's name. Defendant was told that they were no longer the transfer agent for Bartep and that Bartep picked up any stock which had been sent to Securities Transfer Ltd. for transfer. Defendant then called Bartep which said they picked up stock that was sent to Securities Transfer Ltd., and had forwarded same to their new transfer agent, Registrar & Transfer Co. in Jersey City, New Jersey. On inquiry as to the delay in transfer at Registrar & Transfer Co., Jersey City, New Jersey, we were informed they had processed no

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

transfers but would begin transferring as soon as Bartep furnished blank certificates. On or about January 27, 1969, certain of said certificates, representing 3,000 shares, were returned to defendant by Registrar & Transfer Co., the latter stating to the former that said certificates were restricted and not to be transferred. Registrar & Transfer Co. did transfer certificates representing 1,000 shares of stock into defendant's name. After receiving the aforesaid certificates representing 3,000 shares back from Registrar & Transfer Co., defendant held said certificates in its "cage" where they remained until February, 1970. On February 28, 1969, defendant attempted to deliver in accordance with plaintiff's instructions 2,000 shares of Bartep Industries, Inc. in the name of Harris, Upham to:

Commercial Bank of Miami
Attention: Miss March
9301 Northwest 7th Avenue
Miami, Florida

for the account of plaintiff, represented by the following certificates, each for 100 shares, numbered JU78, 158, 160, 161, 174/82, 202/204, 352, 353, 380 and 381. Defendant was still holding the 3,000 shares whose transfer was restricted and was only able to deliver the 2,000 shares mentioned above. On March 6, 1969 the said certificates representing

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

2,000 shares of Bartep Industries, Inc. were returned by Commercial Bank of Miami which claimed they were without instructions to accept delivery for the plaintiff. Whereupon, defendant continued to hold said certificates in its cage. By March 25, 1969 defendant had accumulated 3,000 transferable shares of Bartep Industries, Inc. and on that date sent 5,000 such shares to Registrar & Transfer Co., 15 Exchange Place, Jersey City, New Jersey 07032 for transfer into the plaintiff's name. On April 8, 1969, 5,000 shares of said stock registered in the plaintiff's name and represented by certificates, each in the amount of 100 shares numbered JU631/680 were received back from Registrar & Transfer Co. and on the same day mailed to plaintiff at his address as carried on the records of defendant.

Since the 300 shares purchased from defendant's customer, Louis Padula, and the 700 shares which apparently were advanced by defendant to cover plaintiff's position in Bartep Industries, Inc. were at all times registered in defendant's name, obviously no steps were taken to have such 1,000 shares transferred to its name. These shares were sent out for transfer into plaintiff's name with the remaining 4,000 shares on March 25, 1969.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

8. See Answer No. 11 of first set of interrogatories as amended.

9. See 7.(b) above.

10. None.

11. (a) Yes.

11. (b), (c) and (d). Defendant is unable to determine with what broker-dealers it was either in a fail to deliver or fail to receive position either on October 31, 1968 or during the period February 28, 1968 through February 28, 1969. Nor is defendant able to determine whether it was in a fail to deliver or fail to receive position with regard to certain securities traded. Defendant is able to provide the aggregate dollar amounts of its fail to deliver and fail to receive positions for the period February 28, 1968 through February 28, 1969. Such positions are attached hereto as Exhibits 8, 9, 10, 11 and 12.

12. (a) Yes.

12. (b), (c) and (d). See answer to interrogatory No. 11(b), (c) and (d) above.

13. See Answer No. 19 of first set of interrogatories as amended.

14. (a) Irrelevant and incompetent.

*Defendant's Amended Answers (October 5, 1970)
to Interrogatories*

14. (b) These rules speak for themselves.

15. Yes, as applicable.

16. Yes.

17. The rules and sections of the New York Stock Exchange and National Association of Security Dealers speak for themselves.

18. (a) Yes.

18. (b) Not applicable.

Dated: New York, New York
October 5, 1970

HARRIS, UPHAM & CO. INC.

By _____

(Verified)

DEFENDANT'S RULE 9(f) AFFIDAVIT DATED AUGUST 19, 1969

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,	:	69 Civ. 3312
Plaintiff,	:	<u>RULE 9(f) AFFIDAVIT</u>
-against-	:	
HARRIS, UPHAM & CO. INCORPORATED,	:	
Defendant.	:	

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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

CHARLES L. TROWBRIDGE, being duly sworn, deposes
and says:

That he is a member of the firm of Gifford, Woody,
Carter & Hays, attorneys for defendant Harris, Upham & Co.
Incorporated and in accordance with Rule 9(f) of the
General Rules of this Honorable Court hereby confirms that
he has conferred with counsel for the plaintiff in an effort
in good faith to resolve by agreement the issues raised by
the instant motion without the intervention of the Court and
has been unable to reach such an agreement.

/s/ Charles L. Trowbridge
CHARLES L. TROWBRIDGE

Sworn to before me this
19th day of August, 1969.

PAUL F. ROBINSON
Notary Public, State of New York
No. 41-8604930
Qualified in Queens County
Commission Expires March 30, 1970

PLAINTIFF'S NOTICE OF MOTION (AUGUST 12, 1970) TO
COMPEL FURTHER ANSWERS TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,

Plaintiff,

69 Civ. 3312

-against-

HARRIS UPHAM & CO., INCORPORATED,

NOTICE OF
MOTION

Defendant.

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S I R S :

PLEASE TAKE NOTICE, that upon the motion annexed hereto and made a part hereof, and upon the affidavit of I. ALAN HARRIS, sworn to the ^{17th} day of August, 1970, the undersigned will move this Court, at the Motion Part thereof to be held at Room 506 of the United States Courthouse, Foley Square, Borough of Manhattan, City and State of New York, on the ^{20th} day of August, 1970, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order pursuant to F.R.C.P. 37(a) requiring the defendant properly to answer, in form and substance, certain interrogatories in writing in accordance with F.R.C.P. Rule 33 (that is, to answer the interrogatories previously served upon it in proper form, properly signed and properly verified, and to furnish further answers, all as more parti-

*Plaintiff's Notice of Motion (August 12, 1970) to
Compel Further Answers to Interrogatories*

cularly specified and quoted verbatim in the motion annexed hereto); and awarding to the plaintiff the reasonable expenses incurred in obtaining this order, including reasonable attorney's fees, upon the ground that the defendant was without substantial justification; and such other and further relief as this Court deems just and proper.

Yours, etc.

Dated: New York, N. Y.
August 14, 1970

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff

By S/ I. ALAN HARRIS

A member of the firm

Office & P.O. Address:
292 Madison Avenue
New York, New York 10017
889-3633

TO: GIFFORD, WOODY, CARTER & HAYS
ATTORNEYS FOR DEFENDANT
1 WALL STREET
NEW YORK, N.Y. 10005

PLAINTIFF'S MOTION TO COMPEL FURTHER ANSWERS
TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,	:	
	:	
Plaintiff,	:	69 CIV. 3312
	:	
-against-	:	<u>MOTION</u>
	:	
HARRIS UPHAM & CO., INCORPORATED, :		
	:	
Defendant.	:	

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Now comes HAROLD FISHER, the plaintiff in the above-entitled cause, by his attorneys, LIVINGSTON, LIVINGSTON & HARRIS, ESQS., and moves this Court as follows:

1(a). On August 13, 1969, the plaintiff, more than 10 days after the commencement of the action, served on the defendant certain interrogatories in writing dated August 13, 1969, pursuant to F.R.C.P. Rule 33, which interrogatories ("1st Int.") are on file in this cause.

(b). The answers of the defendant to said 1st Int., which answers dated October 3, 1969, ("Ans. to 1st Int."), are on file herein, were all made "upon information and belief", said Ans. to 1st Int. were signed by a member of the firm of attorneys for the defendant, and the verification was signed by a Vice-President, to

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

wit, WALTER S. LONG, JR., who simply stated that "the sources of my information and belief are statements and papers relating to the matters in suit."

(c). The plaintiff takes exception in that Rule 33 requires that interrogatories shall be answered "by an officer or agent, who shall furnish such information as is available to the party"... "under oath"... and that "(t)he answers shall be signed by the person making them." On its face, the form of the Ans. to 1st Int. does not comply with Rule 33. In fact, the defects are compounded. A party is charged with knowledge of what its officers or agents know or what is in records available to it. Therefore, it should not be permitted to preface its entire set of answers "upon information and belief." Also, having the oath made by one person and the answers signed by another person is patently at variance with the requirements of the rule. Finally, the deliberate sketchiness of the setting forth of the source of grounds for the matters stated on information and belief, shows that the entire procedure was deliberate and an attempt to evade responsibility for the answers and make it impossible for the plaintiff to make proper use of the answers. (See memorandum of law, Point I).

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

2(a). On March 18, 1970, the plaintiff served on the defendant certain additional interrogatories in writing dated March 18, 1970, pursuant to said Rule 33, which interrogatories (2d Int.) are on file herein.

(b). The answers of the defendant to said 2d Int. which answers dated April 2, 1970 ("Ans. to 2d Int."), are on file herein, were also all made "upon information and belief", said Ans. to 2d Int. were also signed by a member of the firm of attorneys for the defendant, and the verification was signed by another Vice-President of the corporate defendant, to wit, ROBERT A. BARRON, who also simply stated that "the sources of my information and belief are statements and papers relating to the matters in suit."

(c). The plaintiff repeats the basis of his exception as set forth in par. 1(c) above as being equally applicable to this par. 2. In fact, the plaintiff is further prejudiced in that this verification is signed by a different Vice-President. It is submitted that plaintiff will be prevented from using the sets of Answers "to the same extent as provided in Rule 26(d) for the use of the deposition of a party", in derogation of the provisions of Rule 33. This type of defect in form was previously

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

made known to defendant's counsel. (See the supporting affidavit and memorandum of law.)

3(a). Int. 2 of the 1st Int. reads as follows:

"2. Set forth the name or names and addresses and official capacity by job title of all officers, agents and employees of defendant who participated in the purchase for plaintiff's account of 5,000 shares of Bartep common stock on or about October 21, 1968."

(b) The answer reads:

"2. Arnold Frankel, referred to above, and Benjamin Cowan, employed by defendant as a registered representative in defendant's Miami Beach branch office, 1085 Kane Concourse, Miami Beach, Florida 33154."

(c) Plaintiff is entitled to the residence addresses last known to the defendant so that the persons may be located or subject to subpoena.

4(a). Int. 5 of the 1st Int. reads as follows:

"5. Set forth the time or times when and the name or names of all broker dealers who sold to defendant 5,000 shares of Bartep for the account of plaintiff and the amount purchased from each broker dealer."

(b). The answer reads:

"5. October 21, 1968, Lockwood & Co. 500 shs.
October 22, 1968, Lockwood & Co. 1,000 shs.
October 22, 1968, Schenin Co. 2,500 shs.

300 shares in Bartep Industries, Inc. purchased

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

for plaintiff's risk and account were purchased by pairing off 300 shares sold on October 22, 1968, by a customer of defendant's Ft. Lauderdale, Florida branch office."

(c). The answer furnishes information only as to 4,300 shares, instead of the 5,000 shares, and conceals the identity of the customer who sold the 300 shares.

5(a). Int. 6 of the 1st Int. reads as follows:

"6. State whether defendant received any confirmations of the purchase of 5,000 shares of Bartep for plaintiff's account and the name or names of the broker dealers giving such confirmations, the time when received and the persons in its employ who received such confirmations."

(b). The answer reads:

"6. Defendant received confirmations for 1,000 shares from Lockwood & Co. and received its duplicate comparison for an additional 500 shares from Lockwood. Defendant received confirmations for 2,500 shares from I. J. Schenin Co. Said confirmations were received between October 22, 1968, and October 29, 1968, by employees in defendant's back office, whose names are not presently known to defendant."

(c). The answer furnishes information only as to "confirmations" for 3,500 shares, refers to a "duplicate comparison" for an additional 500 shares, does not separately give the times of receipt of the individual confirmations or the duplicate comparison and does not identify the employees or state what inquiry was made.

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

6(a). Int. 7 of the 1st Int. reads as follows:

"7. State whether defendant inquired of each of said broker dealers if they then had available for delivery the shares of Bartep that each had sold to defendant for the account of plaintiff."

(b). The answer reads:

"7. So far as defendant has been able to ascertain, neither Mr. Frankel nor anyone else in its employ made express inquiries of the above-mentioned broker dealers as to whether they had available for delivery certificates for the aforementioned shares of Bartep Industries, Inc. at the times when the aforesaid confirmations were received."

(c). The answer is non-responsive, cryptic and evasive in that it is prefaced by the phrase "so far as defendant has been able to ascertain", it limits itself to "the times when the aforesaid confirmations were received", which was not part of the interrogatory. It also is not^a complete or comprehensive answer.

7(a). Int. 8 of the 1st Int. reads as follows:

"State whether defendant sent any confirmations for the purchase of 5,000 shares of Bartep for plaintiff's account to any broker dealer, the date when such confirmations were sent, the person or persons in defendant's employ who sent them and the name of the person to whom such confirmations were addressed."

(b) The answer reads:

"8. Confirmations for the purchase of 4,000 shares of Bartep for plaintiff's

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

account were sent by defendant to Lockwood & Co. (1500 shares) and to I. J. Schenin Co. (2500 shares) between October 22, 1968, and October 29, 1968, by personnel employed in defendant's back office, whose names defendant cannot now provide. Said confirmations were, so far as defendant has been able to ascertain, addressed to Lockwood & Co. and to I. J. Schenin Co. and not to any particular person or persons in their employ."

(c) The answer furnishes information only as to 4000 shares, instead of 5000 shares.

8(a). Int. 9 of the 1st Int. reads as follows:

"9. Set forth the time or times and the place or places where 5,000 shares of Bartep were delivered to defendant, by whom delivered, the amount received from each person who made delivery and the name or names in which said shares were registered when delivered."

(b). The answer reads:

"9. The deliveries of certificates for shares in Bartep Industries, Inc. made to defendant in respect of plaintiff's purchase, took place as follows:

<u>Date</u>	<u>By Whom</u>	<u>No. of Shares</u>
October 30, 1968	I. J. Schenin Co.	200 shares
November 6, 1968	I. J. Schenin Co.	1,000 shares
November 13, 1968	I. J. Schenin Co.	800 shares
November 29, 1968	I. J. Schenin Co.	500 shares
October 30, 1968	Lockwood & Co.	1,000 shares
December 5, 1968	Lockwood & Co.	500 shares

The above certificates appeared to be

A 101

Plaintiff's Motion to Compel Further Answers to Interrogatories

registered in the following names when delivered:

<u>Cert. No.</u>	<u>No. of Shares</u>	<u>Name in Which Registered</u>
1438C	500	Bear Stearns & Co.
1422C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.
1423C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.
593S	100	Harry Klein
612S	100	Barbara Flaum
613S	100	Barbara Flaum
696S	100	Milton C. Herman
697S	100	Milton C. Herman
698S	100	Milton C. Herman
699S	100	Milton C. Herman
742S	100	Bear Stearns & Co.
743S	100	Bear Stearns & Co.
1298C	100	Myron R. Boraks
1296C	100	Myron R. Boraks
1297C	100	Myron R. Boraks
1074S	100	Nic Torrelli
906S	100	Samuel Miller
907S	100	Samuel Miller
905S	100	Samuel Miller
574S	100	WESCO & Company
1421C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.
1420C	200	Merrill Lynch, Pierce, Fenner & Smith, Inc.

Defendant is seeking to ascertain the names in which the additional shares were registered and will supply them to plaintiff if and when they become known to it."

(c). The answer furnishes the delivery information only as to 4000 shares; and furnishes the registry information only as to 3000 shares; and fails to indicate which

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

certificates were received from which delivering broker. The answer omits any reference to the 300 shares bought from the other customer. Additional information has never been furnished.

9(a). Int. 10 of the 1st Int. reads as follows:

"State whether defendant had failed to deliver during the period October 20, 1968 to February 17, 1969 any securities sold by any of its customers to any of the broker dealers from whom it had purchased said 5,000 shares of Bartep for plaintiff's account. If defendant had failed to make any such delivery of securities, set forth the name or names of the broker dealers with whom defendant was then in a fail position."

(b). The answer reads:

"Irrelevant."

(c). This interrogatory seeks information which is highly germane to plaintiff's case and relevant to the subject matter of the action. Defendant is charged with breaching its fiduciary duties to plaintiff, and for the reason, among others, that defendant did not want to jeopardize its position and relationship with other broker dealers or was engaged in a conspiracy to maintain or manipulate prices.

10(a). Int. 11 of the 1st Int. reads as follows:

"Set forth the name or names of the

*Plaintiff's Motion to Compel Further Answers
to Interrogatories*

broker dealers to whom and the time when defendant paid the \$32,999.25 which defendant had received from plaintiff for the purchase of said shares of Bartep."

(b) Answer No. 11 reads:

"Defendant did not pay to anyone or any group of broker dealers, the sum of \$32,999.25, nor did defendant receive that amount from plaintiff for the purchase of shares in Bartep Industries, Inc., as erroneously presupposed by this interrogatory."

(c) The interrogatory was immaterially inaccurate in referring to \$32,999.25 instead of \$33,099.25. Defendant denied the payment, deliberately using the inaccurate words of the interrogatory, and avoided furnishing any information.

11(a). Int. 13 of the 1st Int. reads as follows:

"13. Set forth the time or times when and the name or names of the broker dealers from whom defendant demanded delivery of said 5,000 shares of Bartep or any part thereof."

(b). The answer reads:

"13. Defendant's search of its records has not revealed any such demand specifically applicable to 5,000 shares. Defendant may well have sent buy-in notices to I. J. Schenin Co. and Lockwood & Co. subsequent to the settlement dates in question when the certificates were not delivered to defendant by said dates. It is defendant's practice, however, to destroy its copies of the notices of buy-in when the certificates to which they apply have been delivered. Since the certi-

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ificates in question were delivered by said brokers, any such notices of buy-in would have been destroyed."

(c). The answer is not an answer at all. It is also hypothetical and conjectural. The defendant was not requested to limit its inquiry to a search of its records.

12. (a). Int. 14 of the 1st Int. reads as follows:

"14. Set forth the name or names and address or addresses of each officer, employee or agent who demanded delivery of said 5,000 shares of Bartep for plaintiff's account, the person who made each demand, the time when such demand was made and the person to whom said demand was given."

(b). The answer reads:

"14. Not applicable."

(c). This is not an answer. The defendant should furnish the information, or state that no such demands were made, or furnish so much information or state what demands were made, as the case may be.

13. (a). Int. 15 of the 1st Int. reads as follows:

"15. Set forth the exact procedures followed by defendant to obtain delivery of said 5,000 shares of Bartep, the date when each procedure was instituted, the name and names and address or addresses of the person or persons, who, on defendant's behalf, instituted each such procedure, and the names and addresses of the broker dealers against whom such procedure was instituted."

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(b). The answer reads:

"15. See answers given above. When the selling brokers, I.J. Schenin Co. and Lockwood and Co. failed to deliver on or about the settlement date of each of the above transactions, defendant prepared a fail ticket with regard to said items and entered said fail items in its records as their 'they fail' items against the aforesaid brokers. When the certificates for said shares were received by defendant, the fail tickets were so marked and entries were made in defendant's records to show that the aforesaid brokers were no longer in a fail position in regard to said securities."

(c). The procedures, if any, followed in this case to obtain delivery, (not to record failure), is information to which plaintiff is entitled. The defendant first refers to unidentified previous answers (which it knows are non-responsive), and then finishes with some inappropriate story.

14(a). Int. 17 of the 1st Int. reads as follows:

"17. Set forth whether defendant ever gave notice to any broker dealer that it was buying in 5,000 shares of Bartep."

(b). The answer reads:

"17. See answer to interrogatory No. 13."

(c). Answer 13 (Par. 11^{Abc}(b)) is insufficient as an answer to this interrogatory. It is entirely evasive, hypothetical and conjectural. Were notices given or not?

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Searching the records as to "demands" has nothing to do with an inquiry as to the giving of "buy-in" notices.

15(a). Int. 18 of the 1st Int. reads as follows:

"18. If your answer to Interrogatory No. 17 is in the affirmative, set forth the name or names of the broker dealers and the time or times when such buy-in notice or notices were given."

(b). The answer reads:

"18. See answer to interrogatory No. 13"

(c). Answer 13 (Par. 11 ^{AD 13} (b)) is insufficient as an answer to this interrogatory. It is entirely evasive, hypothetical and conjectural. Were notices given or not? Searching the records as to "demands" has nothing to do with an inquiry as to the giving of "buy-in" notices.

16(a). Int. 19 of the 1st Int. reads as follows:

"19. State the name or names and address or addresses of all officers, agents and employees of defendant who were in charge of advertising during the period of January 1, 1967 to December 31, 1968."

(b). The answer reads:

"19. Theodore Titolo was in charge of advertising during the period in question. Mr. Harry C. Schaack, who succeeded Mr. Titolo as advertising manager at the beginning of 1969, was working with him in the Advertising Department during November and December, 1968."

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(c). Plaintiff is entitled to the residence addresses last known to the defendant. (See 3(c) above.)

17(a). Int. 26 of the 1st Int. reads as follows:

"26. If such advertisements were mailed, set forth the time or times when each such advertisement was mailed, and the name or names and address of the officers, agents and employees of defendant who prepared each such mailing."

(b). The answer reads:

"26. Unknown."

(c) This answer is obviously insufficient, Was inquiry made, etc.

18(a). Int. 1(A) of the 2d Int. reads as follows:

"1.(A). Set forth the name and address of the person, characterized as a customer of defendant's Fort Lauderdale, Florida branch office from whom 300 shares of stock of Bartep Industries, Inc. was purchased for the account of plaintiff on October 22, 1968, as previously answered by the defendant."

(b). The answer reads:

"1.(A). Irrelevant."

(c). This information clearly may lead to the discovery of devidence, and it is certainly relevant to the subject matter of the action. It may lead to evidence as to defendant's past poor experience with obtaining delivery of stock, etc.

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19(a). Int. 1(B) and 1(C) of the 2nd Int. read as follows:

"(B). State whether the aforesaid 300 shares were physically in the possession of the defendant on October 22, 1968; and if so, set forth the number of the certificate(s) and the name(s) of the person(s) in whose name(s) the certificate(s) were registered."

"(C). If the aforesaid 300 shares were not physically in the possession of the defendant on October 22, 1968, set forth when the defendant first received possession of said 300 shares (after October 22, 1968), the name and address of the person or firm from whom possession was obtained, and the number of the certificate(s) and the name(s) of the person(s) in whose name(s) the certificate(s) were registered."

(b). The answer reads:

"1(B) and (C) Presently unknown, defendant is checking."

(c). Despite the conference between counsel (see the Rule 9(f) Affidavit), the defendant has not supplied the information.

20(a). Int. 2(A) of the 2d Int. reads as follows:

"1(A). Set forth the last known address of Arnold Frankel, stated by defendant to have been employed in the over-the-counter department until March 14, 1969."

(b). The answer reads:

"2(A) c/o Sidney A. Siegel & Co.
Inc., 39 Broadway, New York, New York 10004."

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(c) Plaintiff is entitled to the residence address last known to defendant so that the person, a former employee, may be located if desired, not an address c/o some business concern where the person might or might not be employed.

21(a). Int. 3(A) of the 2d Int. reads as follows:

"3(A) State whether defendant, at the time(s) when it purchased any of the shares of stock of Bartep Industries, Inc. for the account of plaintiff, inquired of any of the dealers from whom the shares were purchased, if they then had available for delivery certificates for the said shares."

(b). The answer reads:

"3(A) Previously answered. See answer No. 7 in Answers to Int. dated October 3, 1969."

(c) The answer is inaccurate as the question was not previously answered. This interrogatory 3(A) makes it clear that the information requested is information as of the time when the purchases were made, i.e. all of the 5,000 shares and when the purchases were made, not when the confirmations were received. The prior answer referred to was not an "answer" to either the prior interrogatory or to this one. (See Par. 6(C) above).

22(a). Int. 4(A) and 4(B) of the 2d Int. read as follows:

"4(A). Set forth the name(s), address(es)

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and official capacity by job title of all officers, Agents and employees of defendant who were in communication, oral or otherwise, with defendant's Miami Beach branch office at 1085 Kane Concourse, Miami Beach, Florida, or with defendant's registered representative, Benjamin Cowan, which communication related in any manner to the purchase by the plaintiff of the 5,000 shares of stock of Bartep Industries, Inc. or the obtaining of or the failure to obtain delivery of the said shares from the sellers thereof, or the delivery or return of any of said shares to or from the transfer agent thereof for transfer into the name of the defendant or the plaintiff, or the delivery or return of any of said shares to or from the plaintiff or Commercial Bank of Miami, or which communication related in any manner to the claim of the plaintiff for the return of the monies paid by him to defendant or charged to his account by the defendant on account of the purchase of the said 5,000 shares.

4(B). With respect to each communication referred to in (A) above, set forth the parties thereto, the dates thereof, the means or instrumentalities employed, and the substance thereof."

(b) The answer reads:

"4(A) and (B) William O. Smythe. Supervisor Transfer Department. Mr. Smythe communicated with Robert Mallett and Lillian Sanchez in defendant's Miami Beach office, as per the Exhibits 1 through 8 attached hereto."

(c) The defendant has hardly made the barest attempt to answer these interrogatories to the extent required. It has hardly read the interrogatory. Plaintiff has requested

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and is entitled to the identities and locations of all persons employed by defendant who communicated between the two offices of the defendant, with respect to the subject matter of this action, and a listing of said communications. The exhibits attached by defendant were not requested as such, are undecipherable, and relate solely to one aspect of the subject matter, i.e., apparently some shares of Bartep were not transferable because of a "stop" at the transfer agent. Furthermore, Exhibit 3 itself seems to be addressed to one or more unidentified employees of defendant other than the three employees named in the answer. In order properly to request oral depositions, discovery and inspection, etc., the plaintiff is entitled to be supplied with information by the defendant. The expressed attitude of the defendant is shocking.

23(a) Int. 5(A) and 5(B) of the 2d Int. reads as follows:

"5.(A). State whether the defendant, as principal for its own account or as broker for any other person, during the period from October 21, 1968 to February 17, 1969, bought or sold any shares of stock of Bartep Industries, Inc. other than the shares alleged to have been bought for the plaintiff.

5.(B). If the answer to (A) above is yes, set forth the date(s) when, the number of shares and the prices thereof, the names(s) of the seller(s) or buyer(s) (as the case may be), and for whose account the said shares were bought or sold."

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(b) The answer reads:

"5(A) and (B). Irrelevant."

(c) This information clearly may lead to the discovery of evidence, and is certainly relevant to the subject matter of the action. The defendant was acting as the agent of the plaintiff.

24(a) Int. 7(A) of the 2d Int. reads as follows:

"7(A). With respect to the shares of stock of Bartep Industries, Inc., stated to have been delivered to defendant in respect of plaintiff's purchase, set forth the date(s) of delivery, by whom delivered, the amount(s) delivered, the number(s) of the certificate(s), and the name(s) in which said certificate(s) were registered."

(b) The answer reads:

"7(A). Previously answered. See answer No. 9 in Answers to Interrogatories dated October 3, 1969."

(c) The answer referred to supplied information only as to deliveries of 4,000 shares, and information as to registered names only as to 3,000 shares. (See Par. 8(c) above). The defendant deliberately ignores the duty to bestir itself and obtain the information.

25(a). Int. 7(B) of the 2d Int. reads as follows:

"7(B). With respect to each certificate delivered to defendant as set forth in (A) above, commencing with the date of said

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delivery, set forth in detail each step taken thereafter with respect to the physical safekeeping thereof by the defendant or the transmittal thereof to any transfer agent or to the plaintiff."

(b) The answer reads:

"7(B). Certificates representing the 4,000 shares set forth in answer number 9 to the interrogatories by Plaintiff dated August 13, 1969, were sent to Defendant's vault on various dates from approximately October 30, 1968 through November 28, 1968 and within a day of two of receipt were taken from Defendant's vault and sent to Bartep's transfer agent, Securities Transfer, Ltd. in Miami, Fla. to be transferred into the name of Defendant. In December, 1968, Defendant telephoned Securities Transfer Ltd. with regard to delivery of the new certificates in Defendant's name. Defendant was told that they were no longer the transfer agent for Bartep and that Bartep picked up any stock which had been sent to Securities Transfer Ltd. for transfer. Defendant then called Bartep which said they picked up stock that was sent to Securities Transfer Ltd., and had forwarded same to their new transfer agent, Registrar & Transfer Co. in Jersey City, N. J. On inquiry as to the delay in transfer at Registrar & Transfer Co., Jersey City, N. Y., we were informed they had processed no transfers but would begin transferring as soon as Bartep furnished blank certificates. On or about January 27, 1969, certain of said certificates, representing 3,000 shares, were returned to Defendant by Registrar & Transfer Co., the latter stating to the former that said certificates were restricted and not to be transferred. Registrar & Transfer Co. did transfer certificates representing 1,000 shares of stock into Defendant's name.

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After receiving the aforesaid certificates representing 3,000 shares back from Registrar & Transfer Co., Defendant held said certificates in its "cage" where they remained until February, 1970."

(c) This action involves 5,000 shares, not 4,000 shares. Furthermore, even as to the lesser number of shares, defendant does not supply reasonably factual information but, for example states that certificates for 3,000 restricted shares were received back from the transfer agent and "held said certificates in its cage...until February, 1970." - obviously an inaccurate date, - should be "1969" - but also insufficiently detailed in the light of the known facts of the case where many material conversations and crucial events occurred in February, 1969. The inquiry requested the steps taken with respect to physical safekeeping or transmittal of all shares to transfer agent or to plaintiff.

26(a). Int. 8 of the 2d Int. reads as follows:

"a. Set forth the name(s) of all of the persons or firms to whom, the amounts, and the dates when, the defendant paid any monies on account of the purchase by the defendant for the account of the plaintiff of shares of stock of Bartep Industries, Inc."

(b) The answer reads:

"8. Previously answered. See answer No. 11 in Answers to Interrogatories dated October 3, 1969."

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(c) The Defendant is thumbing its nose at the plaintiff and the Rules. Defendant never answered this ^{THE ORIGINAL INTERROGATORY} interrogatory, No. 11 inaccurately referred to \$32,999.25 (a \$100. error), and the defendant deliberately avoided answering by responding in the negative in the very words of the question. (See Par. 10(c) above.) This interrogatory requests, and the plaintiff is entitled to, information as to the payment by the defendant of any monies relating to the purchase of the 5,000 shares, for which shares the defendant was paid by its principal, the plaintiff, in October, 1968.

27(a). Int. 9 of the 2d Int. reads:

"9. Set forth in detail all of the steps taken by the defendant in order to obtain a transfer of the stock books of Bartep Industries, Inc. of all of the shares of stock of Bartep Industries, Inc., purchased for the account of the plaintiff and received from the respective sellers thereof, and the date when each step was taken."

(b). "9. See answer #7(B) above. In March 1969, Defendant had 5,000 shares of Bartep Ind., Inc. transferred into the name of Plaintiff and said shares were delivered to Plaintiff in April, 1969."

(c). Int. 7(B) and this Int. 9 request information as to different matters, although both, of course, refer to the full 5,000 shares, not 4,000 or 3,000, and the de-

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defendant has never supplied information as to the full number of shares. Int. 7 requests information and the steps taken concerning safekeeping, handling and transmittal by the defendant. Int. 9 requests information and steps and efforts, if any, by the defendant to obtain transfer on the books of the transfer agent of the full 5,000 shares. The distinction and difference is obvious.

28(a). Int. 10 of the 2d Int. reads:

"10. State whether, during the period from October 1, 1968 to February 28, 1969, there was any relationship or affiliation, financial or otherwise, between the defendant or any of its stockholders, directors, officers, or employees, on the one hand, and either Lockwood & Co., or I. J. Schenin Co. or any of the partners, principals, or employees of either of said firms, on the other hand."

(b) The answer reads:

"10. Irrelevant."

(c) The Court is respectfully referred to Par. 23(c) above for the basis of plaintiff's exceptions also applicable to this interrogatory and answer.

29(a) Int. 11(B), 11(C) and 11 (D) of the 2d Int. read as follows:

"(B). If the answer to (A) is yes, set forth as of the end of each month during said period the aggregate value of the securities bought by the defendant but

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not received in due time and which were carried on its books as "fails to receive?"

"(C). If the answer to (A) is yes, state whether the defendant was in a 'fail to receive' position with respect to any securities due from either Lockwood & Co. or I. J. Schenin Co."

"(D). If the answer to (C) is yes, set forth the dates, the description, amount and value of the securities, the firm from which due, the time when each 'fail' was cleared, whether defendant sent any "buy-in" notice(s), and whether any 'fail' was cleared by consummation by defendant of a "buy-in" procedure."

(b). The answer reads:

"11(A) Yes."

"11(B) (C) (D) Irrelevant."

(c). The Court is respectfully referred to Par. 9(c) above for the basis of exceptions also applicable to these interrogatories and the answer. It is also respectfully pointed out that the Commission, in Exchange Act Release No. 8363 (33 Federal Register 11,150, August 7, 1968) (See memorandum of law, p.8), stated that it is a violation of the antifraud provisions if the broker has reason to believe that he will not be able to deliver the security promptly, perhaps because of past delays in dealing with the seller, the particular transfer agent or because of its own back-office problems. Plaintiff has the right to inquire.

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30(a). Int. 12(B), 12(C) and 12(D) of the 2d Int.

read as follows:

"(B). If the answer to (A) is yes, set forth as of the end of each month during said period, the aggregate value of the securities sold by the defendant but not delivered in due time and which were carried on its books as 'fails to deliver'."

"(C). If the answer to (A) is yes, state whether the defendant was in a 'fail to deliver' position with respect to any securities due to either Lockwood & Co. or I. J. Schenin Co."

"(D). If the answer to (C) is yes, set forth the dates, the description, amount and value of the securities, the firm to which due, the time when each 'fail' was cleared, whether defendant received any 'buy-in' notice(s), and whether any 'fail' was cleared by consummation of a 'buy-in' procedure."

(b). The answer reads:

"12(B) (C) (D) Irrelevant."

(c). The Court is respectfully referred to Par. 9(c) and 29(c) above for the basis of the exceptions also applicable to these interrogatories and the answer.

31(a). Int. 13 of the 2d Int. reads as follows:

"13. Set forth the last known address of Theodore Titolo, stated by defendant to have been in charge of advertising during the period from January 1, 1967 to December 31, 1968."

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(b). The answer reads:

"Presently unavailable."

(c). Despite the passage of time and the extensive conference between counsel (see Rule 9(f) Affidavit), this information has not been supplied. What does the answer mean?

32(a). Int. 14(A) of the 2d Int. reads as follows:

"14(A). Set forth in detail the defendant's understanding as to the duties owed by it to its customers and imposed upon it by law as alleged by the defendant in Paragraph Third of its answer."

(b) The answer reads:

"14(A). Irrelevant and incompetent."

(c) In Paragraph "Third" of its Answer to the Complaint herein, defendant alleges that it "admits that... it owes to its customers the duties imposed by law" but except as aforesaid, it denies that (i) it is required to use the highest standards of commercial honor and just and equitable principles of trade in its dealings with its customers, and (ii) as a broker, it owes undivided fidelity and loyalty to said customers. Under the modern trend and in order to clarify the issues in the case, and in the light of the deliberate denial by defendant as aforesaid and its own cryptic but evasive admission that it owes duties

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"imposed by law", plaintiff is clearly entitled to defendant's understanding thereof. It certainly is not "irrelevant and incompetent."

33(a). Int. 14(B) of the 2d Int. reads as follows:

"B. State whether the defendant denies that the Rules of the Securities and Exchange Commission, the rules of the New York Stock Exchange, and the rules of the National Association of Securities Dealers, require that the defendant (1) in its dealings with its customers, use the highest standards of commercial honor and just and equitable principles of trade, and (2) in its dealings as a broker for said customers, owes undivided fidelity to said customers."

(b). The answer reads:

"14(B). These rules speak for themselves."

(c). (See Par. 32(C) above). In its answer, the defendant denied that the said rules impose these requirements. Plaintiff is entitled to have defendant answer this interrogatory, under oath, as to whether it denies the said requirements.

34(a). Int. 15 of the 2d Int. reads as follows:

"15. State whether the defendant, at the time when it accepted the account of the plaintiff as its customer, intended at all times to abide by and be governed in its conduct with plaintiff by the Rules of the Securities and Exchange Commission and the Rules of the New York Stock Exchange and the National Association of Securities Dealers."

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(b). The answer reads as follows:

"15. Yes, as applicable."

(c). It is submitted that the answer, as given, is cryptic and evasive; and should be corrected.

35(a). Int. 17 of the 2d Int. reads as follows:

"State whether the defendant denies that among the rules of the New York Stock Exchange and the National Association of Securities Dealers are Rules 174 and 184 of the New York Stock Exchange and Sections 4 and 59 of the Uniform Practice Code of the National Association of Securities Dealers and that said Rules and Sections provide that if a broker cannot secure delivery of securities paid for in cash by its customer on or before a certain number of days after the transaction occurred, the broker is obliged to buy in said securities at the best available market and charge the seller therefor."

(b) The answer reads as follows:

"17. The Rules and Sections of the New York Stock Exchange and National Association of Securities Dealers speak for themselves."

(c). In its Answer to the Complaint herein the defendant denied the existence of the said Rules and Sections, and denied the provisions and the scope thereof. Plaintiff is entitled to have the defendant answer this interrogatory, under oath, as to whether it denies the existence and provisions thereof.

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WHEREFORE, plaintiff respectfully moves this Court for an order pursuant to F.R.C.P. Rule 37(a): (i) requiring the defendant properly to answer the interrogatories previously served upon it in proper form, properly verified, and to furnish further answers, as hereinabove more particularly set forth, (ii) awarding to the plaintiff the reasonable expenses incurred in obtaining said order, including reasonable attorney's fees, upon the ground that the defendant was without substantial justification, and (iii) such other and further relief as this Court deems just and proper.

Dated: New York, N. Y.
August 14, 1970

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff

By S/ I. ALAN HARRIS
A Member of the Firm
Office & P.O. Address:
292 Madison Avenue
New York, N. Y. 10017
889-3633

TO: GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
1 Wall Street
New York, N. Y. 10005

AFFIDAVIT OF ALAN HARRIS IN SUPPORT OF MOTION TO
COMPEL FURTHER ANSWERS TO INTERROGATORIES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,

Plaintiff,

69 CIV. 3312

-against-

AFFIDAVIT

HARRIS UPHAM & CO., INCORPORATED,

Defendant.

-----x

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

I, ALAN HARRIS, being duly sworn, deposes and says:

1. He is a member of the firm of LIVINGSTON, LIVINGSTON & HARRIS, attorneys for the plaintiff herein, is familiar with all the papers and proceedings heretofore had in this cause, and makes this affidavit in support of plaintiff's motion under F.R.C.P. Rule 37(a) for an order requiring the defendant properly to answer in form and substance certain interrogatories in writing in accordance with F.R.C.P. Rule 33, i.e., to require the defendant to answer the interrogatories in proper form, properly signed and properly verified, and to furnish further answers, and awarding to the plaintiff the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees.

2(a) As to the exceptions to the form of both

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sets of Answers (see Pars. 1(b) and 2(b) of the annexed motion), the objectionable and defective nature of the form of the Answers to First Interrogatories (i.e., prefacing the Answers so that every answer was made upon information and belief, having the Answers signed by the attorneys for the defendant, and then having someone else, an officer, verify perfunctorily by giving as "the sources of my information and belief are statements and papers relating to the matters in suit"), was brought to the attention of defendant's counsel prior to the service of the second set of interrogatories ("Second Interrogatories"). Your deponent had not noticed or realized, prior to March, 1970, the foregoing defects in the Answers. The Answers to First Interrogatories were then returned to defendant's counsel for correction, but said correction was refused, said counsel maintaining that said form and procedure were justified. Thereafter, the defendant's Answers to Second Interrogatories were served in the identical form as the earlier set of Answers to First Interrogatories, all upon information and belief, signed by the attorney, and now verified by a different officer, also giving as the sources of his information and belief "statements and papers relating to the matters in suit."

(b) F.R.C.P. Rule 33 requires that information as

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is available to the party must be furnished, that the answers shall be under oath, and that the answers shall be signed by the person making them. A party is charged with knowledge of what its officers or agents know or what is in records available to it. To hold that, because the party is a corporation and that the verification therefore must be by an officer, the answers may be all upon information and belief is specious reasoning and false. The Answers in question, on their faces, show non-compliance with the letter or the spirit of the Rule. The form used is deceptive and evasive, and the defendant should be ordered to comply with the Rule.

3. At this juncture, deponent should like succinctly to set forth the underlying facts and subject matter of the action, so that the Court can be aided in understanding why the defendant's answers, in substance, are defective, insufficient, non-responsive or evasive, and in determining the relevancy of certain interrogatories to the subject matter of the action.

This is an action by an individual customer against his broker. The broker allegedly bought securities as agent for the customer in an over-the-counter market, and sent the usual written confirmations by mail to the customer. Pursu-

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ant thereto the customer paid the broker \$33,099.25 on the settlement dates during October, 1968. Thereafter for a period of almost four months, the customer made repeated requests and demands for delivery of the securities without any satisfactory response from the broker, whereupon on February 17, 1969, the customer advised the broker to cancel the transactions and to return his money which was refused. Almost two months later, the broker tried to deliver the particular securities, long after the customer's demand for cancellation and at a time when trading in the securities was suspended by the Securities and Exchange Commission ("Commission").

The defendant was a registered broker-dealer, a member of the New York Stock Exchange, and a member of the National Association of Securities Dealers, Inc., and therefore the plaintiff alleges that the defendant was subject to various rules and regulations imposing standards of conduct and fair dealing vis-a-vis its customers. The nature of the transactions in question were such that the defendant was acting as the agent of the plaintiff, and owed an undivided loyalty and the highest standard of fiduciary duty to the plaintiff.

What happened? Why didn't or couldn't the defen-

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dant deliver securities to the plaintiff on the settlement dates or within a reasonable time thereafter? Did the defendant actually enter into purchase transactions for 5,000 shares of stock of Bartep Industries, Inc. ("Bartep")? With whom? When? Were the shares delivered to it in a reasonable time? Were the shares, if and when delivered, good shares, i.e., were the shares freely transferable? Why didn't the defendant "buy-in" any defaulting seller or return the shares if not freely transferable? Was the defendant more mindful of its relationships, if any, to the other broker-dealers than of its duty and responsibility to the plaintiff? Did the defendant have any relationships with the other broker-dealers? Was the defendant itself in such an enormous fail-to-deliver position with respect to other broker-dealers generally, or with respect to the sellers in particular, that it could not afford seriously to threaten or actually to "buy-in" the defaulting sellers? Can it be shown or proven that the defendant comes within the interdiction set forth by the Commission in Exchange Act Release No. 8363 (33 Federal Register 11,150, August 7, 1968)? The plaintiff has the right to know the answers to the foregoing questions among others; and has the right to elicit information, facts or answers which may lead to the discovery of

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Compel Further Answers to Interrogatories*

evidence, which may assist him in framing questions for oral depositions and in determining who to depose and what to require production of by way of discovery and inspection, in order properly to continue to prepare for the trial of this cause, to limit the issues, etc.

4. The attitude of the defendant, as is clearly revealed by the deliberate and conscious choice of the form of its Answers, the refusal to answer certain interrogatories, and the obvious insufficiency or non-responsiveness of most of the answers therein, and as confirmed in the conversations and conference of defendant's counsel with your deponent, warrants the award of the reasonable expenses of this motion. Defendant's counsel stated that he did not intend to have the defendant waste time investigating, questioning or seeking records. His theory is that the outcome of the case will depend on a simple issue of credibility - will the jury believe the plaintiff that he had been requesting the delivery of the shares for some time prior to February 17, 1969. It was explicitly pointed out that he was in error in that the later answers of the defendant begin to reveal that the defendant was "sitting" on at least 3000 "restricted or non-transferable" shares from January through March, 1969 during which period of time the cancella-

*Affidavit of Alan Harris in Support of Motion to
Compel Further Answers to Interrogatories*

tion occurred, and therefore the defendant was in no position to deliver the shares. It was also pointed out that inquiry as to all other transactions by defendant involving Bartep shares was highly relevant (defendant had another customer from whom 300 shares were alleged to have been purchased for plaintiff), but defendant resists despite the reasoning set forth in Exchange Act Release No. 8363 (supra). The other theories implicit in the complaint were also pointed out but to no avail.

5. A blatant and obvious example of the contumacious attitude of the defendant and its disrespect for Rule 33 is the manner in which interrogatory No. 11 of the First Interrogatories and Interrogatory No. 8 of the Second Interrogatories were "answered". In answer to No. 11 of the first set, defendant deliberately stated that it had not paid anyone or any group the sum of \$32,999.25 (using the very words of the interrogatory) nor did the defendant receive that amount from the plaintiff, relying on the immaterial and obvious error of \$100 in the stated amount of money in question to justify its negative answer. In answer to No. 8 of the second set which did not set forth nor contain any amount, erroneous or not, defendant answered "Previously answered. See Answer No. 11 in Answers to Inter-

*Affidavit of Alan Harris in Support of Motion to
Compel Further Answers to Interrogatories*

rogatories dated October 3, 1969." In fact, almost every one of defendant's answers is obviously defective, evasive or insufficient in some respects, thus requiring this extraordinarily lengthy motion and supporting papers, for which the Court's pardon is respectfully requested.

6. As set forth in the Rule 9(f) Affidavit submitted herewith, several hours were spent by your deponent with counsel for the defendant, spelling out the several theories of plaintiff's case, and seeking to convince counsel of the relevancy of each of the interrogatories and to point out in what respects many interrogatories were not answered or not answered properly. Although additional investigations, checking of facts and obtaining of information were promised as to many interrogatories, the defendant has failed or refused to supply any further information. As to other interrogatories, the defendant refused to reconsider its answers. The failure and refusal is without substantial justification. It is respectfully submitted that the motion should be granted including an award to the plaintiff of the reasonable expense thereof.

Sworn to before me this

12th day of *August*, 1970.

by *RAY A. WALLMAN*
Notary Public, State of New York
No. 03-9574525

Qualified in Bronx County
Commission Expires March 30, 1972

s/ I. ALAN HARRIS
I. ALAN HARRIS

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REPORT OF SPECIAL MASTER JACOBS DATED SEPTEMBER 1, 1970

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : JUDGE FRANKEL

DATE: Sept. 1, 1970

FROM : MARTIN D. JACOBS

SUBJECT: HAROLD FISHER v. HARRIS UPHAM & CO. INC.
#21 on Mot. Calendar of Aug. 20, 1970 - 69 Civ. 3312

Attached hereto is Special Master's Report in the above matter, together with a suggested endorsement which, for your Honor's convenience, I have affixed to the Notice of Motion. The Court file and motion papers are returned herewith.

Copies of the report have been mailed to counsel.

Respectfully,

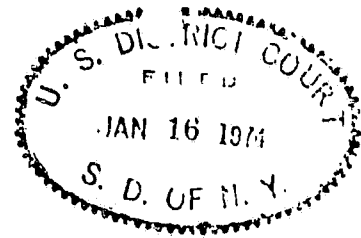
Martin D. Jacobs
Martin D. Jacobs

Attach.



Report of Special Master Jacobs Dated September 1, 1970

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X

HAROLD FISHER, :

Plaintiff, :

-against- :

HARRIS UPHAM & CO., INCORPORATED, :

Defendant. :

SPECIAL
MASTER'S
REPORT

69 Civ.3312

----- X

Plaintiff's motion to compel further answers by defendant to certain interrogatories and for other relief, returnable before Judge Frankel on August 20, 1970, was referred to the undersigned as Special Master to hear and report. A hearing was held on August 20, 1970.

I.

Briefly stated, the complaint alleges: Defendant, a broker-dealer, represented that it abided by the rules of the New York Stock Exchange and National Association of Securities Dealers. These provide that if a broker cannot secure delivery of the securities purchased, it will buy them and charge the seller. On October 21, 1968 plaintiff ordered the purchase of 5,000 shares of Bartep Industries, Inc., traded in over-the counter, for \$32,999.25. Defendant represented that it would and could secure delivery but the representation was false in that defendant had not purchased

Report of Special Master Jacobs Dated September 1, 1970

from a seller who could make delivery by October 28, 1968 and defendant knew it would not demand delivery within the time limited since any demand would jeopardize its position vis-a-vis other dealers. The conduct was a manipulative device in violation of §10(b) of the Securities Exchange Act of 1934.

At various times prior to February 16, 1969 plaintiff requested delivery of the securities but defendant failed to deliver them and plaintiff cancelled the transaction on February 16, 1969. Between November 1, 1968 and February 14, 1969 the stock could have been sold at a price in excess of the purchase price. Damages and exemplary damages are sought.

Plaintiff relies on Release, dated August 2, 1968, No. 8383, of the Securities and Exchange Commission (33 Federal Register 11,150) (plaintiff's memo. p.8), which states that it is a violation of the anti-fraud provisions for a broker to buy as agent "if the broker-dealer has reason to believe that he will not be able to deliver the security to the customer promptly"; that it impliedly represents the "transaction will be consummated promptly"; and that it is inconsistent with the applicable requirements to purchase the security "if the broker-dealer knows, or has reason to believe, that it is difficult to obtain delivery with respect to a particular security because of delays in transfer or because in order to obtain the security, -- it will be necessary to purchase the security from another

Report of Special Master Jacobs Dated September 1, 1970

broker-dealer whose deliveries to him have not been prompt in accordance with traditional customs and usage of the trade."

Defendant's position is that the securities were held by it in "street name"; that plaintiff did not request delivery; and that plaintiff has wrongfully sought to foist his speculative losses upon the defendant.

The areas of discovery include, among others, the circumstances of the purchase of the stock by defendant; if and why it failed "to buy in" the securities; whether its relation with the selling brokers was such that it did not demand the security; and what demands were made by plaintiff for the securities". Plaintiff served two sets of interrogatories. The answers at the outset alleged that they were "upon information and belief" and were signed by the attorneys, but sworn to by an officer of the defendant.

II.

Plaintiff objects to the form of the answers - "on information and belief" - and the fact that they were signed by one person and sworn to by another. Rule 33 requires, in the case of a corporation, that the answers be made under oath by "any officer or agent". It has been recognized that "an attorney comes within the term agent as it is now used in Rule 33. Since the answer to those of the party, regardless of who signs them, the interrogating party should not be held to

complain if the answers are signed by the attorney" (4 Moore's Fed. Practice §33.07, p.2286).

It is believed that answers by the attorney are not objectionable. However, it seems improper to have the answers upon a blanket "information and belief" and they should be sworn to by the same person who signs them.

III.

First Set

#2 asks for the names and "addresses" of persons who participated in the purchase. The answer furnishes the business addresses and no further answer should be required.

#5 asks for the time of sale by the selling brokers of the 5,000 shares. The answer furnishes the information as to 4,000 shares; states that 300 shares were purchased by "pairing them off against a customer"; and is silent as to the 700 shares. Defendant should set forth and explain what information it has as to the 700 shares. It should also furnish the name of the customer of the 300 shares. Plaintiff is entitled to meaningful answers as to what information is available and, in fact, an explanation.

#6 asks details as to the receipt by defendant of confirmations as to the 5,000 shares. The answer gives details as to 4,000 shares. Defendant should further answer this consistent with #5.

Report of Special Master Jacobs Dated September 1, 1970

#7 asks whether defendant "inquired" of the selling broker-dealers if the certificates were available. Defendant's answer states that "no one made any express inquiries". It is believed that this answer is adequate.

#8 asks whether defendant sent any purchase confirmations to any broker-dealer and the details. The answer gives details as to 4,000 shares, but it is silent as to the remaining 1,000 shares. Defendant should answer further as to the remaining 1,000 shares and make clear what information it may have and, if so, why it can not "trace" them.

#9 asks details as to the delivery to defendant of the 5,000 shares. The answer furnishes certain details including the names in which 3,000 shares were registered and that it will supply additional information if and when it becomes known. A further answer should be given as to the remaining 2,000 shares.

#10 asks whether defendant failed to deliver from October 1968 to February 1969 any securities by "any of its customers to any of the broker-dealers from whom it purchased" the 5,000 shares and the names of any such broker-dealers. Plaintiff contends that defendant did not want to jeopardize its position with such brokers. Defendant's memorandum states that this seeks "unlimited information" as to transactions involving many securities. The answer should be limited to

Report of Special Master Jacobs Dated September 1, 1970

whether defendant was in ^a "fail to deliver" position as to the brokers from whom the 5,000 shares were purchased.

#11 asks for the names of the dealers to whom and the time of payment of the \$32,999.25 received from plaintiff (in fact \$33,099.25 was received). Defendant states that it did not pay to anyone the sum of \$32,999.25 nor did it receive that amount from plaintiff. This answer was apparently based on the fact that plaintiff understated by \$100 the amount paid and is disingenuous. Plaintiff in interrogatory #8 of the second set asks details as to the amounts paid (no amount specified) by defendant on account of the purchase and defendant's answer compounds its improper prior answer by merely referring to #11 of the first set. A meaningful answer by the defendant as to whom it paid the actual amount received by it should be furnished.

#13 asks for details as to the dealers from whom defendant demanded delivery of the 5,000 shares. The answer states that its records do not reveal any demand specifically applicable to 5,000 shares; that it may well have sent a "buy in" notice but its practice was to destroy any such notices when the certificates have been delivered; and in fact the certificates were delivered by the brokers. It is believed that this answer is adequate.

#14 asks details as to the demand for the delivery

Report of Special Master Jacobs Dated September 1, 1970

of the 5,000 shares. The answer merely states "not applicable". Defendant's memorandum states that it is inapplicable since "no demand can be established". This statement should be set forth in the answers.

#15 asks for the exact procedures by defendant to obtain delivery of the 5,000 shares. The answer states that where there was a failure to deliver, a "fail" ticket was entered and an entry was made when the certificates were delivered. The answer is believed to be adequate.

#17 asks whether defendant ever gave notice to buy the shares of Barlep and #18 asks for details. The answers refer to #13 which states that a buy-in notice "may well have been sent", but any such notice would have been destroyed after the certificates were delivered. It is believed that the answers are adequate.

#19 asks for details of persons in charge of advertising. The answer is believed to be adequate.

#26 asks for details as to when each advertisement was mailed and the employees who prepared the mailing. The answer states "unknown and is believed to be adequate."

Second Set

1(a) seeks the name of the customer from whom 300 shares were purchased. The answer is "irrelevant and confidential". Defendant should be required to answer.

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1(b) and 1(c) asks whether the 300 shares were in defendant's possession on October 22, 1968 and, if not, the details^{as} to the receipt of the shares. The answer is that it is unknown and is being checked. Defendant should furnish this information when available or explain why not available.

2(a) seeks the "last known address" of one Frankel and the answer which gives his business address is believed to be adequate.

3(a) asks whether defendant inquired when it purchased the stock if the certificates were available. The answer refers to #7 of the first set which states that no "express inquiry" was made, and appears to be adequate.

4(a) and 4(b) seeks details of communications with defendant's Florida office as to the purchase and failure to obtain delivery. The answer identifies certain individuals and sets forth 8 written communications between the offices. Defendant, however, should clarify whether these are the only communications, oral or written, of which it has knowledge and if there are any others it should furnish its best information with respect thereto.

5(a) and 5(b) seeks details as to any purchases or sales of Bartep for the account of any other person and the names of the sellers or buyers. Defendant urges that this is irrelevant and that plaintiff merely seeks the

Report of Special Master Jacobs Dated September 1, 1970

information to harass other customers. It is believed that in its present form the interrogatory is too broad but should be limited to whether or not it did buy or sell ^{Barcep} for other persons and the number of shares.

7(a) seeks many details as to the stock said to have been delivered to defendant. Defendant refers to #2 of the first set. As indicated, a further answer to #9 should be given and this answer should be amended accordingly.

7(b) seeks with respect to each certificate delivered to defendant each step taken with respect to the safekeeping thereof or transmittal to any transfer agent or to plaintiff. Defendant gives a detailed statement as to 4,000 shares which appears to be adequate for that stock. Defendant, however, should furnish what additional information is available to it with respect to the remaining 1,000 shares.

#9 seeks details as to the steps taken to obtain a transfer of the shares purchased for plaintiff. The answer refers to 7(b) of the second set. A further answer should be given to 7(b) and this answer to #9 should be amended accordingly.

#10 seeks details pertaining to any relation between defendant or its stockholders, officers or employees and the two sellers identified. Defendant should be required to state, but only in a general way, the relationship

Report of Special Master Jacobs Dated September 1, 1970

between defendant (not the other individuals) and the two selling brokers.

#11(a) seeks whether from February 28, 1968 to February 28, 1969 defendant was in a "fail to receive" position with respect to any securities and defendant has answered, yes. #11(b) asks at the end of each month the aggregate value of such securities. #11(c) and #11(d) asks for the "fail to receive" position of any securities due from the two other brokers and, if so, many details including the amount and value, time when cleared, and any notices. Plaintiff's contention is that defendant may have been in such a "fail position" with respect to the sellers that it could not afford seriously to press for the delivery for plaintiff of the certificates. Defendant should be required further to answer these interrogatories but limited as of October 31, 1968 to the two identified brokers who sold the securities purchased for plaintiff, the name of the securities, and the number of shares. 12(b), (c) and (d) seek the same details as to "fail to deliver" position and the same additional information should be furnished as recommended with respect to 11.

#13 seeks the last known address of the persons who were in charge of advertising and the answer appears to be adequate.

#14(a) asks defendant to set forth in detail its

Report of Special Master Jacobs Dated September 1, 1970

understanding of the duties owed by it to its customers. This is argumentative, would serve no practical purpose, and no further answer should be required.

#14(b) asks whether defendant "denies" that certain rules require certain conduct on its part. Since the Rules speak for themselves, it is believed that no practical purpose would be served by any further answer.

#15 asks whether defendant intended to be governed in its conduct under the various rules and the answer, "yes, as applicable" is adequate.

#17 asks whether defendant denies the Rules have certain provisions as to the inability of the broker to secure delivery. Since the Rules speak for themselves, it is believed that no practical purpose would be served by any further answer.

IV.

Each party has requested "reasonable expenses" in connection with the motion. Rule 37, as amended, provides that if the motion is granted or denied the Court shall require the party "whose conduct necessitated the motion" or "the moving party", as the case may be, to pay "the reasonable expenses incurred" "unless the Court finds that the opposition to the motion (or the moving party) was substantially justified" or "that other circumstances make an award of expenses unjust". The Rule formerly provided

Report of Special Master Jacobs Dated September 1, 1970

for expenses if "the Court finds that the refusal (or making of the motion) was without substantial justification." As set forth in the Note of the Advisory Committee (48 FRD 539, et seq.), "the change requires that expenses be awarded unless (underscoring furnished) the conduct of the losing party or person is found to be substantially justified"; and that the test of "substantial justification remains, but the change in language is intended to encourage judges to be more alert to abuses occurring in the discovery process". The Note recognizes that if the dispute is "genuine", the losing party is "substantially justified"; that a "necessary flexibility is maintained since the Court retains the power to find that other circumstances make an award unjust--as where the prevailing party also acted unjustifiably"; and that "the amendment does not significantly narrow the discretion of the Court". In determining the matter before us, therefore, it is necessary to determine (a) who is the "prevailing party"; (b) whether the "losing party" has shown "substantial justification" for its position; and (c) even if the prevailing party might otherwise be entitled to reasonable expenses, whether this would be "unjust" since the prevailing party in fact "also acted unjustifiably". In the frequent situation, where some of the party's contentions are sustained and some are rejected, these questions may

Report of Special Master Jacobs Dated September 1, 1970

involve a great measure of discretion which must be exercised in the light of the "entire setting".

A party should qualify as the "prevailing party" even though all of its contentions are not sustained if its main and important contentions are upheld. The question should not be determined by a "counting of items". While some of the requests have been denied (according to the recommendations) as argumentative or unnecessary, further answers have been recommended as to the payment by defendant of the money received, the 300 shares, the 700 shares, and the "fail position" with respect to the two selling brokers - matters important on plaintiff's theory. Plaintiff should be regarded as the "prevailing party".

Has defendant shown substantial justification for its opposition? Many of defendant's answers are incomplete, but were it not for the answers to #11 of the first set and #8 of the second set (payment of the funds received from plaintiff) the undersigned would be reluctant to say that defendant did not act with "substantial justification". However, the over-technical and disingenuous manner in which these were answered is, in the view of the undersigned, inexcusable and precludes a finding that defendant's opposition was "substantially justified".

While some of the plaintiff's requests were

Report of Special Master Jacobs Dated September 1, 1970

excessively detailed and argumentative, it is believed that under all the circumstances an award of expenses would not be "unjust". It is recommended, therefore, that defendant or its attorneys be required to pay plaintiff \$250 for the expenses incurred in obtaining the order for further answers.

V.

Accordingly, it is recommended that (1) Within twenty (20) days from the date of the order further answers in the manner set forth above be served by the defendant as to the following interrogatories: First Set - 5, 6, 8, 9, 10, 11, and 14. Second Set - 1(a), 1(b), (c), 5(a), (b), 7(a), 7(b), 8, 9, 10, 11(c) and 12(c).

(2) The amended answers delete the blanket allegation "upon information and belief" and be signed and sworn to by the same person on behalf of the defendant.

(3) Defendant or its attorneys pay the plaintiff \$250.00 for its expenses in obtaining the order.

Dated: New York, N.Y.

September 1, 1970

Respectfully submitted,

Martin D. Jacobs
MARTIN D. JACOBS
Special Master

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PLAINTIFF'S OBJECTION TO SPECIAL MASTER JACOBS' REPORT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,

Plaintiff,

69 CIV. 3312

-against-

HARRIS UPHAM & CO., INCORPORATED,

Defendant.

-----X

OBJECTIONS BY PLAINTIFF TO REPORT OF
SPECIAL MASTER (PRE-TRIAL EXAMINER)
DATED SEPTEMBER 1, 1970.

LIVINGSTON, LIVINGSTON & HARRIS
COUNSELORS AT LAW
292 MADISON AVENUE
NEW YORK, N. Y. 10017

Plaintiff's Objections to Special Master Jacobs' Report

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAROLD FISHER,

Plaintiff,

69 CIV. 3312

-against-

HARRIS UPHAM & CO., INCORPORATED,

Defendant.
-----X

OBJECTIONS BY PLAINTIFF TO REPORT OF
SPECIAL MASTER (PRE-TRIAL EXAMINER)
DATED SEPTEMBER 1, 1970.

1. Plaintiff does not object to the substance of the recommendations set forth in V(2) of the Report, except that it is respectfully pointed out that the entire sets of answers should be amended and served anew, including therein the "further" answers as to those interrogatories which are ordered by this Court, and deleting the blanket allegations "upon information and belief," and the answers should be properly signed and sworn to by the same person on behalf of the defendant.

It is respectfully submitted that the plaintiff raised no argument or objection whatsoever in its detailed and voluminous papers, motion or memorandum, to the -----

Plaintiff's Objections to Special Master Jacobs' Report

propriety of the attorney's signing for his corporate client as its "agent." Therefore, it was unnecessary for the Special Master to address himself to this argument. (See II on p. 3 of Report, II. 5-12). However, the Special Master does state and recommend that "the answers should be sworn to by the same person who signs them." Point I of plaintiff's memorandum, which specifically addressed itself to the form of the answers in question, was almost completely ignored by the defendant in its memorandum. In point of fact, the plaintiff's arguments were deliberately ignored because the defendant did not and does not have any answers thereto. Defendant, on page 5 of its memorandum, quotes from Moore on Federal Practice, which quotation actually supports the position of the plaintiff.

For example, "whoever answers the interrogatories and verifies the answers on behalf of the corporation, ... the person chosen by it to speak for it ..." It is obvious that the treatise speaks of one person answering and verifying the answers. The Court's attention is also directed to the next sentence of the quotation which reads, in part, "the answers must include whatever information is available to the party." This is stressed because the

Plaintiff's Objections to Special Master Jacobs' Report

defendant's counsel believes he can rely upon an argument justifying the use of "upon information and belief" because the person signing may not have "direct personal knowledge" of the facts. He cites no authorities for his position, and he flies in the face of the overwhelming authorities, including the foregoing and also those presented in Point I of plaintiff's memorandum.

There was absolutely no justification for defendant's position in regard to the foregoing.

2. Plaintiff objects to the Report insofar as the same states that "business addresses" of individual persons, present or former employees of defendant, are sufficient compliance with the Rules. Rule 26(b), F.R.C.P., provides that the "identity and location of persons" is subject to discovery procedures. It is submitted that the "location" of a person is his permanent residence address, particularly his last known residence address as known to the defendant and kept in its records pursuant to the record-keeping requirements of the many Statutes and Rules to which the defendant is subject. Why should the defendant be coy or flip about furnishing these residence addresses which are in its own records, instead of furnishing addresses such as

"adequate."

3. Before continuing with the objections, the Court's attention is directed to Securities and Exchange Commission Rule 17a-3, adopted under the Securities Exchange Act of 1934, which specifies the records which brokers shall make and keep current. These records include (a) an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate numbers), the trade date, and the name(s) of the person(s) from whom purchased or received or to whom sold or delivered; (b) an itemized ledger account for each customer itemizing all purchases, receipts and deliveries of securities for such customer; (c) ledgers reflecting securities in transfer, and securities failed to receive and failed to deliver; (d) a securities record reflecting separately for each security all "long" positions ... and showing the location of all securities long, etc.; (e) copies of confirmations of all purchases; (f) a questionnaire or application for employment executed by each employee containing his name and address, among many other details and information. Commission Rule 17a-4 requires that the foregoing records be kept in "an easily accessible place" for the first two

Plaintiff's Objections to Special Master Jacobs' Report

years, etc. In addition, this latter rule requires that for not less than three years, the first two years in an easily accessible place, each broker shall keep "originals of all communications received and copies of all communications sent by such member, broker or dealer (including interoffice memoranda and communications) relating to his business as such."

Pursuant to the By-Laws of the N.A.S.D. (in which Association the defendant is a member), Rules of Fair Practice were adopted. Section 21 of said Rules provides that each member shall keep and preserve books, accounts, records, memoranda, and correspondence in conformity with all applicable laws, rules, regulations and statements of policy promulgated thereunder and with the rules of the Association.

The Board of Governors of the Association issued its memorandum as to Commission Rule 17a-3, expanding thereon and pointing out in great detail the facts which will be recorded and preserved by compliance with Rule 17a-3.

The defendant refused to furnish information concerning another customer whose 300 shares were sold to the plaintiff, claiming that this information was irrelevant and confidential. This could not have been a good faith refusal in that Commission Regulation § 240.15c1-4, promulgated by

Plaintiff's Objections to Special Master Jacobs' Report

the Securities and Exchange Commission under § 15(c)(1) of the Exchange Act of 1934, defines as a "manipulative, deceptive or other fraudulent device or contrivance" any act of any broker in connection with a transaction for a customer unless such broker, in any case in which he is acting as a broker for such customer or for both such customer and some other person, gives or sends to such customer, in writing, either the name of the person from whom the security was purchased, etc., or the fact that such information will be furnished upon the request of such customer, etc. The substance of this Commission Regulation has also been adopted by the Association in its Rules of Fair Practice, Article III, Section 4. Yet, despite the foregoing, in direct violation of the Statute and the Regulation promulgated thereunder, the defendant refused to furnish this information. This relates to Int. 5 of the First Set and Int. 1(a) of the Second Set.

With respect to Int. 26 of the First Set, in interpreting Section 1 of Article III of the Rules of Fair Practice of the Association, the Board of Governors has stated that each member shall maintain a separate file of all advertisements, sales literature, etc., including the name(s) of the person(s) who prepared them and/or approved their use for a period of three years from the date of each use, the first

Plaintiff's Objections to Special Master Jacobs' Report

two years in a place readily accessible to examination or spot checks. Again, despite the requirements to which it was subject, the defendant argues that the only answer it can give is "unknown."

It is readily seen that the records and information which a broker is required to keep are in great detail. Without intending to indicate that this detail is only required with respect to securities "in transfer," the plaintiff would like to point out that with respect to securities in transfer, the memorandum of the Board of Governors states that the record would show the number borne by the transfer receipt received from the transfer agent, the number of shares, name of security, name in which it was registered, date sent out to transfer, old certificate number, date received back from transfer, and new certificate number. These records must be kept by the defendant, and it is almost impossible to understand why the defendant claims difficulty in obtaining the information.

The plaintiff has taken the liberty of setting forth the foregoing as a general objection to those portions of the Special Master's Report in which he indicates that the answers of the defendant are "adequate," rather than "complete."— Furthermore, the foregoing is set forth to —

Plaintiff's Objections to Special Master Jacobs' Report

demonstrate the lack of justification by the defendant insofar as the defendant has answered that the information is not available, or requires "tremendous" research, etc. It is respectfully submitted that the lack of justification on the part of the defendant is much stronger than indicated by the Report.

4. Objection is made to the Report in stating that the answer to Int. 7 of the First Set is "adequate." The Court's attention is respectfully directed to the Motion (p. 5), the Supporting Affidavit, and Plaintiff's Memorandum.

5. Objection is made to the Report in stating that the answer to Int. 13 of the First Set is believed to be "adequate." The Court's attention is respectfully directed to the Motion (p. 9), the Supporting Affidavit, and Plaintiff's Memorandum. It is respectfully submitted that in the light of the Rules and Regulations referred to above imposing record-keeping requirements on the defendant, that the defendant is equivocating, and that all hypothetical and conjectural aspects of its answer should be eliminated, and a complete and explicit answer be furnished.

6. Objection is made to the Report in stating that

Plaintiff's Objections to Special Master Jacobs' Report

the answer to Int. 15 of the First Set is believed to be "adequate." The Court's attention is respectfully directed to the Motion (p. 10), the Supporting Affidavit, and Plaintiff's Memorandum.

7. Objection is made to the Report in stating that the answer to Int. 17 of the First Set is believed to be "adequate." The Court's attention is respectfully directed to the Motion (pp. 10-11), the Supporting Affidavit, and Plaintiff's Memorandum. Int. 13, 15 and 17 of the First Set refer to different things, and the proper answers should be given meeting the standards required by the Rules and the law, i.e. the answers should be full, comprehensive, explicit, direct, and unequivocal.

8. Objection is made to the Report with respect to the comments made as to Int. 4(A) and 4(B) of the Second Set. The Report seems to indicate that the defendant should restrict his answer to the "communications," ignoring the persons who were in such communication. It is elementary that the plaintiff is entitled to the identity and location (name, address and official capacity) of all officers, agents and employees of the defendant who communicated with each other concerning the matter, in addition to a list of the communica-

Plaintiff's Objections to Special Master Jacobs' Report

tions, etc. The entire purpose of interrogatories in assisting a party to determine who should be desposed would be frustrated if the defendant is not required to answer these interrogatories as framed. It is respectfully submitted that the Special Master misread these interrogatories.

The Court's attention is respectfully directed to the Motion (p. 15), the Supporting Affidavit and Plaintiff's Memorandum.

9. Objection is made to the Report in stating that Int. 5(A) and 5(B) of the Second Set are believed to be too broad as framed and the answers should be limited to whether or not the defendant bought or sold Bartep shares for others and the number of shares. The answers had simply read "Irrelevant." The questions were clearly not irrelevant, but for some unknown reason the Special Master wants to limit the answers to shares bought or sold for others, excluding the defendant as a buyer or seller without any justification and also to allow the defendant to keep all details secret, i.e., the dates when, the number of shares, the prices, and the names of the seller(s) or buyer(s), and the identity of the person(s) for whose account(s) the shares were bought and sold.

Plaintiff's Objections to Special Master Jacobs' Report

At the risk of repetition the defendant undertook to act as an agent and fiduciary for the plaintiff in connection with the purchase of shares of Bartep. The plaintiff claims that the defendant breached any number of duties owed to plaintiff, under the Securities Acts and under common law. Delivery of the shares allegedly purchased — and paid for — was not attempted for more than five months. An answer to an interrogatory now seems to indicate that the defendant 'sat on' at least 3000 shares of restricted stock for several months instead of rejecting the same as a bad delivery. Why can not the plaintiff inquire as to all other transactions in Bartep shares by the defendant, as principal or agent, during the relevant period.

The Court's attention is respectfully directed to the Motion (p. 16), the Supporting Affidavit and Plaintiff's Memorandum.

10. Objections¹ made to the Report in stating that Int. 7(B) of the Second Set should only be further answered with respect to the remaining 1000 shares, i.e., that defendant has given a detailed statement as to 4000 shares which appears to be adequate for that stock." The Court's attention is respectfully directed to the Motion (p. 17-18), and to the references above as to the Commission

Plaintiff's Objections to Special Master Jacobs' Report

and Association requirements as to record-keeping by the defendant. How can an answer couched in such general terms be held to be adequate, even as to the 4000 shares? The records must be available. Why should not the defendant answer the interrogatory as framed, giving the facts and steps taken with respect to each certificate? What is the defendant hiding?

11. Objection is made to the Report in stating that "no practical purpose would be served by any further answer" to Ints. 14(A), 14(B) and 17. The Court's attention is respectfully directed to the Motion (pp. 22-24), the Supporting Affidavit and Plaintiff's Memorandum. It is respectfully submitted that the plaintiff is unaware as to what the Special Master intended when he stated that "no practical purpose would be served." The plaintiff is entitled to use the discovery procedures for many purposes in preparing for the trial, and it is well recognized that one purpose of interrogatories would be to narrow and clarify the issues, and also to determine the scope of the defense. As noted in the Motion, the defendant deliberately chose to assert specific denials in its answer and to allege a recognition only of duties "imposed by law." Therefore, the interrogatories should be answered under oath.

Plaintiff's Objections to Special Master Jacobs' Report

12. It is respectfully submitted that the Special Master's recommendation as to the payment by the defendant or its attorneys of \$250 to the plaintiff for the expenses incurred in obtaining this order for further answers, is overwhelmingly supported by all of the facts and the law. The amount thereof is minimally adequate in the light of the extent and pervasiveness of defendant's obstinacy and recalcitrance requiring such extensive motion papers. The defendant did not even attempt to show "substantial justification" for its opposition. Its claims to irrelevancy and confidentiality fly in the face of governing statute, rules and regulations, to all of which it is subject as a broker. Its claims to unavailability or inability to furnish details similarly indicate a violation of said statutes, etc., or a deliberate frivolous and contumacious refusal to look at its own records or to make due inquiry. In conclusion, any fair reading of the interrogatories and the patently evasive, hypothetical, vague and other irresponsive answers thereto, compels the conclusion that the defendant's position was not substantially justified nor are there other circumstances making an award of expenses unjust. (See Plaintiff's Memorandum, Pt. III, and the Supporting Affidavit).

Plaintiff's Objections to Special Master Jacobs' Report

WHEREFORE, it is respectfully submitted that to the extent the Special Master's Report (i) recommends the service of amended answers without the blanket allegations "upon information and belief", to be signed and sworn to by the same person, (ii) recommends the payment of \$250. to the plaintiff for its expenses in obtaining the order, and (iii) recommends further answers to certain numbered interrogatories, the same is fair and reasonable for adoption by the Court. However, to the extent specifically set forth and objected to above, the plaintiff objects to the recommendations of the Special Master that certain answers are "adequate" or would serve no practical purpose, etc; and this Court should require further answers as to the said interrogatories.

Respectfully submitted,

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017
Tel: 889-3633

DEFENDANT'S OBJECTIONS TO SPECIAL MASTER JACOBS' REPORT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

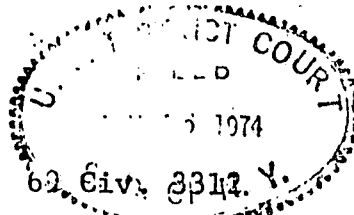
HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.



NOTICE OF OBJECTIONS
TO SPECIAL MASTER'S
REPORT

S I R S:

PLEASE TAKE NOTICE that defendant hereby interposes the following objections to the Recommended Decision and Report of Special Master, Martin D. Jacobs, Esq., dated September 1, 1970, in respect of plaintiff's motion herein under Federal Rules of Civil Procedure 37(A) and 33 directed against defendant's answers to interrogatories:

1. Defendant objects to the Recommended Decision as to Interrogatory No. 5, First Set, insofar as it would direct defendant to furnish the name of the customer whose 300 shares were "paired off" against 300 shares purchased by plaintiff because the interrogatory only asks the identity of "broker-dealers" a category which obviously does not embrace the customer in question. The customer could not possibly be a party to the conspiracy between broker-dealers which the complaint

Defendant's Objections to Special Master Jacobs' Report

alleges to exist and his identity could add nothing to plaintiff's trial preparation.

2. Defendant objects to the Special Master's decision as to Interrogatory No. 11, First Set, which directs defendant to answer a question which was not asked by this interrogatory. The Special Master incorrectly presupposed that the amount received by defendant from plaintiff whether \$32,999.25 or \$33,099.25 was paid by defendant to anyone in respect of plaintiff's stock. The answer would be the same as to either amount. In defendant's motion papers it offered to provide the information as to the amounts paid by it on account of the purchase of 5,000 shares of Bartep Industries common stock for plaintiff's account and will certainly do so if this information is available.

3. Defendant objects to the Special Master's Recommended Decision as to Interrogatory 1(a), Second Set, which directs defendant again to provide the name of the customer whose 300 shares were "paired off". As stated above this customer could not be a party to a conspiracy between broker-dealers, his identity should be kept confidential unless good cause is shown to the effect that plaintiff has a real need for his name in order to prepare for trial.

4. Defendant objects to the Special Master's

Defendant's Objections to Special Master Jacobs' Report

Recommended Decision as to Interrogatories 5(a) and 5(b), Second Set, which requires defendant to state the number of shares of Bartep Industries stock it bought or sold for other persons. This information is wholly irrelevant and almost impossible to accumulate as there are no records kept which would reflect all of the transactions of defendant's customers by the particular security dealt in. Defendant would be required to examine the accounts of each of its hundreds of thousands of customers. Any reading of this interrogatory as initially propounded clearly reflects the motives of plaintiff which are not the development of evidence or information leading to evidence, but, it is submitted annoyance and harassment.

5. Defendant objects to the Recommended Decision of the Special Master that the amended answers to be served and filed by defendant not be made "upon information and belief", because defendant as a separate corporate entity can only act through its respective agents, servants and employees all of whom are separate and apart from defendant. There is no way, it is submitted, that a corporation can swear to any proposition of fact other than upon information and belief. Since the answers are fully binding upon the corporation when so alleged, it is submitted that the Special Master's

Defendant's Objections to Special Master Jacobs' Report

Recommended Decision should be modified to delete this requirement.

6. Defendant and its attorneys particularly object to the portion of the Special Master's Recommended Decision suggesting that they pay plaintiff \$250.00 for "its" expenses in obtaining the order for the following reasons:

(a) The Special Master evidently placed substantial weight upon the amendment to Rule 37 FRCP effective September 1, 1970 as expanding the power and policy in favor of requiring the losing party to Rule 37 motions to pay expenses, as a significant factor in determining to impose this charge. As both sets of answers to interrogatories were propounded many months before the effective date of this amendment, the retroactive application of the new rule would seem unwarranted;

(b) Any fair reading of all of the interrogatories and all of the answers discloses that defendant has made a fair and bona fide attempt to fully and truthfully answer both sets of interrogatories which contain grossly excessive demand for detail many of which are outrageously incompetent, irrelevant or immaterial;

(c) Review of the Special Master's entire Report discloses that except for a repeated direction that defendant provide information as to 700 shares of

Defendant's Objections to Special Master Jacobs' Report

Bartep Industries which it has repeatedly conceded it is unable to trace, defendant's position with respect to plaintiff's motion has substantially been sustained except for the interrogatories as to which objection is here noted in which respect it is submitted that the Special Master has erred; and

(d) The principal basis advanced in support of the Special Master's assessment of expenses against defendant is based upon defendant's wholly warranted unwillingness to unilaterally amend Interrogatory No. 11, First Set, and then proceed to answer a question not asked. This is not a matter of palpable mistake. The amount plaintiff paid defendant for his 5,000 shares of Bartep Industries stock was paid by defendant to other persons. As anyone with any experience in the trading of over-the-counter stocks is aware such is not the case. The Special Master also alludes to defendant's answer to a properly framed question in the Second Set, which refers to the earlier answer. Defendant has offered in its motion papers to provide this information, namely what it paid others in purchasing the 5,000 shares for plaintiff's risk and account. In point of fact this information is irrelevant. The gratuitous imputation of the Special Master that defendant's answer is "disingenuous" is unsupported.

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Defendant's Objections to Special Master Jacobs' Report

PLEASE TAKE FURTHER NOTICE that defendant respectfully requests a hearing and the opportunity to argue orally its aforesaid objections to the Special Master's Recommended Decision.

Dated: New York, N.Y. Yours, etc.
September 11, 1970

GIFFORD, WOODY, CARTER & HAYS

By Charles L. Trowbridge
CHARLES L. TROWBRIDGE
Attorneys for Defendant
One Wall Street
New York, New York 10005
344-0470

TO:
LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017

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MEMORANDUM ORDER OF JUDGE FRANKEL DATED SEPTEMBER 15, 1970

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD FISHER,

Plaintiff,

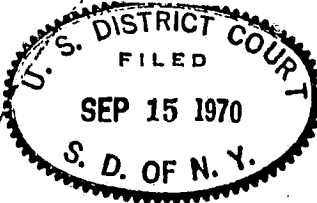
-against-

HARRIS UPEAM & CO., INCORPORATED,

Defendant.

MEMORANDUM
ORDER

69 Civ. 3312



Plaintiff's motion to compel further answers by defendant to certain interrogatories and for other relief having come on to be heard on August 20, 1970, and the motion having been referred to Martin D. Jacobs, as Special Master to hear and report, and the Special Master having reported on September 1, 1970, and the parties having made their opposing submissions concerning the Special Master's report, and the Court being fully advised, it is

ORDERED that:

(1) Within twenty (20) days from today, the defendant shall serve completely new sets of answers, replacing the two sets filed, respectively, on October 6, 1969, and April 6, 1970, which new sets of answers will incorporate the answers heretofore given about which no further direction is herein made. In addition, the answers thus retyped will add to the original

Memorandum Order of Judge Frankel Dated September 15, 1970

answers the materials hereinafter ordered. And, finally, the answers will

- (a) be signed and verified by the same person, stating specifically, with respect to each individual answer, whether it is made on information and belief, and, if so, the sources and nature of the information and belief, and
- (b) state specifically which answers are based upon knowledge possessed by defendant's officers or employees, identifying specifically such officers or employees.

(2) The new sets of answers will contain further answers in the manner set forth in the report of the Special Master as to the following interrogatories:

First Set - Nos. 5, 6, 8, 9, 10 and 14;

Second Set - Nos. 1(a)(b) and (c), 5(a) and (b), 7(a) and (b), 8, 9, 10, 11(c) and 12(c).

(3) In response to interrogatory No. 11 of the First Set, defendant will state the amount received by the defendant from the plaintiff for the purchase of shares in Bartep and how such amount was disposed of or allotted or otherwise used by defendant, including, of course, all payments or allocations by the defendant for the purchase of such shares for plaintiff.

Memorandum Order of Judge Frankel Dated September 15, 1970

(4) With respect to interrogatory No. 2 of the First Set and No. 2(A) of the Second Set, defendant will give the residence address in each instance if known and will state if it asserts that such address is not known to its officers or employees. With respect to interrogatory No. 19 of the First Set, defendant will give all names and addresses, including both business and residence addresses.

(5) Defendant will answer interrogatory No. 13 of the First Set completely and unqualifiedly, to wit: without confining the answer to what is shown by a search of records, but reporting what did happen as distinguished from what "may have" happened, and by not limiting the response by the negative pregnant reference to "any * * * demand specifically applicable to 5,000 shares." In short, the response here will state fully what is known by the people in defendant's establishment having knowledge about the facts to which the interrogatory is directed.

(6) With respect to interrogatory No. 17, First Set, the defendant will answer directly and specifically not by reference to any other answer.

(7) Defendant will answer No. 5(A) and (B) Second Set fully.

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Memorandum Order of Judge Frankel Dated September 15, 1970

(8) Similarly, No. 7(A) and (B) of the Second Set will be answered in full with concrete and specific details as to particular certificates, dates and places relating to all of the 5,000 shares.

(9) Defendant shall pay the plaintiff \$250.00 for his expenses in obtaining this order.

Dated: New York, New York
September 15, 1970

Maurin E. Frankel
U.S.D.J.

NOTE OF ISSUE FILED BY DEFENDANT DATED NOVEMBER 6, 1970

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
HAROLD FISHER,
:
Plaintiff, 69 Civ. 3312
:
-against- NOTE OF ISSUE
:
HARRIS, UPHAM & CO. INCORPORATED,
:
Defendant.
----- x

1. The title of the case is HAROLD FISHER,
Plaintiff, v. HARRIS, UPHAM & CO. INCORPORATED, Defendant.

2. The docket No. is 69 Civ. 3312.

3. The names, addresses and telephone numbers
of the attorneys are:

Livingston, Livingston & Harris
292 Madison Avenue
New York, New York 10017
(212) 889-3633
Attorneys for Plaintiff

Gifford, Woody, Carter & Hays
One Wall Street
New York, New York 10005
(212) 344-0470
Attorneys for Defendant

4. The specific nature and object of this
action is:

Plaintiff customer seeks to rescind his
purchase through defendant stockbroker of 5,000 shares
of common stock of Bartep Industries, Inc., following a
drop in the market value of that stock and alleges further
that defendant conspired with other broker-dealers to
manipulate the market price of that stock in violation of
Section 10(b) of the Securities Exchange Act of 1934.

Note of Issue Filed by Defendant Dated November 6, 1970

5. Issue has actually been joined on behalf of the parties to the action.

6. The last pleading was served on October 3, 1969 and filed on October 6, 1969.

7. Plaintiff has demanded a trial by jury by endorsement on the complaint which was filed on July 29, 1969 and served July 30, 1969.

8. The parties have taken or have had reasonable opportunity to take and complete, necessary depositions and other discovery proceedings.

9. The cause is in all respects ready for trial.

10. Defendant, which is filing this Note of Issue, has unsuccessfully approached the other party as to the possibility of settlement.

11. There are no other pending causes resting upon the same matter of right or defense.

Dated: New York, New York
November 6, 1970

GIFFORD, WOODY, CARTER &
HAYS

Attorneys for Defendant

By

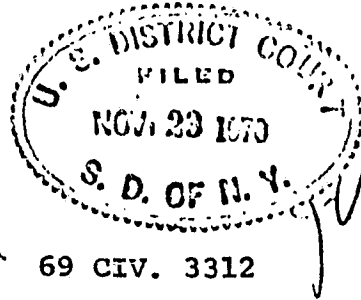
Charles F. Threlking

A Member of the Firm
One Wall Street
New York, New York 10005
(212) 344-0470

TO: LIVINGSTON, LIVINGSTON &
HARRIS
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017
(212) 889-3633

PLAINTIFF'S AFFIDAVIT OF OBJECTIONS (NOVEMBER 23, 1970)
TO PLACING THE CAUSE ON THE CALENDAR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



HAROLD FISHER,

Plaintiff,

69 CIV. 3312

-against-

AFFIDAVIT OF OBJECTIONS
TO PLACING THE CAUSE ON
THE CALENDAR

HARRIS UPHAM & CO., INCORPORATED,

Defendant.

STATE OF NEW YORK)

: S.S:

COUNTY OF NEW YORK)

I. ALAN HARRIS, being duly sworn, deposes and says:

1. He is a member of the firm of LIVINGSTON,

LIVINGSTON & HARRIS, attorneys for the plaintiff herein, is familiar with all the papers and proceedings heretofore had in this Cause and submits this Affidavit of Objections to Placing the Cause on the Calendar pursuant to Rule 5 of the Calendar Rules of this Court.

2. Your deponent denies that this cause "is in all respects ready for trial." Furthermore, your deponent denies that the defendant, or any attorney on its behalf, has "approached the (plaintiff, or the plaintiff's attorneys, successfully or unsuccessfully,) as to the possibility of settlement." It is respectfully submitted that the plaintiff has not had a reasonable opportunity to take and complete all necessary depositions and other discovery proceedings.

*Plaintiff's Affidavit of Objections (November 23, 1970)
to Placing the Cause on the Calendar*

3. Your deponent can not fathom why defendant's attorneys are rushing this cause to the calendar under all of the circumstances known to date, nor how they can claim that the plaintiff has had a reasonable opportunity to complete his necessary discovery proceedings. The only possible answer discernible is that the examination and the investigation of its own records and the past events by the defendant has revealed some very dangerous areas of fact which must be kept from the plaintiff.

4. It is true that the defendant has completed taking the oral deposition of the plaintiff, but even the transcript thereof has not yet been submitted to the plaintiff.

5. However, as to requirements of the plaintiff to prepare for the trial of this cause, the plaintiff found it necessary to make an application to this Court, upon very voluminous motion papers, for an order pursuant to F.R.C.P.37(a) requiring the defendant properly to answer in form and substance, two sets of written interrogatories and to furnish further answers thereto. By order dated September 15, 1970, Judge Frankel followed the recommendation of the Special Master that the actions of the defendant with respect to the interrogatories were without substantial justification and awarded the plaintiff \$250.00 for his expenses in obtaining said order, and (i) directed the service of new sets of answers with additional or further responses as set forth and (ii) directed that the answers

*Plaintiff's Affidavit of Objections (November 23, 1970)
to Placing the Cause on the Calendar*

"(a) be signed and verified by the same person, stating specifically, with respect to each individual answer, whether it is made on information and belief, and, if so, the sources and nature of the information and belief, and

"(b) state specifically which answers are based upon knowledge possessed by defendant's officers or employees, identifying specifically such officers or employees."

6. The new sets of answers, recently received by the plaintiff, do not comply with the order of Judge Frankel, fail to furnish certain answers, claim inability to determine certain things, including whether defendant in fact did purchase for the plaintiff 700 shares of the stock in question in accordance with its own confirmation and confusingly introduces a new element into the picture, i.e., that at some unidentified time, the defendant "advanced" 700 shares "from its own account". In addition, and of more relevance to the issue that this cause is not ready for trial and that the plaintiff has not had a reasonable opportunity to take and complete all necessary depositions and other discovery proceedings, the verification of the new sets of answers do not approach an adequate compliance with the order of Judge Frankel. The evil is that the plaintiff is thus prevented from learning which one or few officers or employees of the defendant have "knowledge" of the facts and should be deposed, and what records, etc., are available so that production thereof for inspection and copying can be compelled.

*Plaintiff's Affidavit of Objections (November 23, 1970)
to Placing the Cause on the Calendar*

7. As to the defects in the answers, your deponent is engaged in preparing an application pursuant to F.R.C.P.37(b) for the failure on the defendant's part to comply with Judge Frankel's order.

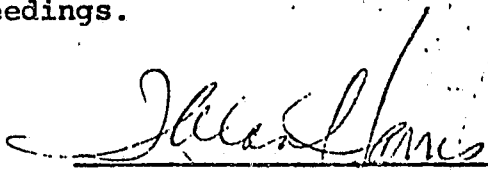
8. The plaintiff now intends to, and by reason of the nature of the cause, is compelled to, take the deposition of the vice-president of the defendant in charge of its Miami Beach office, and of its employee at that office who serviced the plaintiff's account. These depositions will probably have to be scheduled in Florida, and will be taken within the next six to three months. In the interim, the depositions of defendant's vice-president, Joseph A. Dweck, and of its employees, William O. Smythe, William McCarthy and Mario J. Abbatiello, will be taken within the next six weeks. Discovery and inspection of the papers, books and records relating to the transactions in question and to the subject of the action will be requested and plaintiff will be required to identify and describe the same by extraction from the rules and regulations of the Securities and Exchange Commission and the National Association of Securities Dealers, Inc., rather than from the defective answers and improper verification of the defendant. If further answers and a proper verification is obtained, additional depositions may be required.

9. It is respectfully submitted that the Cause not be placed on the Calendar, and that the Note of Issue be ordered


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*Plaintiff's Affidavit of Objections (November 23, 1970)
to Placing the Cause on the Calendar*

to be withdrawn. The cause is not ready for trial, no settlement discussions have taken place, and the plaintiff has not had a reasonable opportunity to take and complete all necessary depositions and other discovery proceedings.


I. ALAN HARRIS

Sworn to before me this 23rd
day of November, 1970.


JAY A. WALLMAN
Notary Public, State of New York
No. 00-8814825
Qualified in Bronx County
Commission Expires March 30, 1972

DEFENDANT'S AFFIDAVIT (SEPTEMBER 24, 1971) IN OPPOSITION
TO PLAINTIFF'S OBJECTION TO NOTE OF ISSUE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x		:
HAROLD FISHER,		:
	Plaintiff,	:
	-against-	:
		:
HARRIS, UPHAM & CO. INCORPORATED,		:
	Defendant.	:
----- x		:

AFFIDAVIT IN OPPOSITION
:TO OBJECTION TO NOTE OF
ISSUE

69 Civ. 3312

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

MICHAEL J. McALLISTER, being duly sworn, deposes
and says:

1. He is associated with the firm of GIFFORD,
WOODY, CARTER & HAYS, attorneys for defendant, is familiar
with the facts herein and submits this affidavit in opposi-
tion to plaintiff's objection to the placing of this case on
the Trial Calendar.

2. The claim of DERMOT G. FOLEY, who is of counsel
to attorneys of record for plaintiff, that plaintiff's
attorneys have not been approached regarding settlement is
incorrect. On or about May 6, 1970, CHARLES L. TROWBRIDGE,

*Defendant's Affidavit (September 24, 1971) in Opposition
to Plaintiff's Objection to Note of Issue*

a member of the firm of GIFFORD, WOODY, CARTER & HAYS, offered to recommend, on behalf of defendant, a specific settlement to plaintiff's attorney, I. ALAN HARRIS, Esq., the terms of which would consist of a redelivery to plaintiff of the certificates of stock in Bartep Industries, Inc., which plaintiff had purchased through defendant, and which plaintiff now attempts to rescind.

3. The claim that pre-trial discovery has not been completed in this action, and because it is not ready for trial, is also incorrect. This action was commenced on July 29, 1969. Although plaintiff's attorneys have served exhaustive and all-reaching written interrogatories in two sets, and have been provided with extremely detailed answers on October 3, 1969, April 2, 1969, and October 5, 1970, At no time have they filed or served any notice of deposition. Plaintiff's attorneys have been sporadically active in prosecuting this claim. On November 10, 1970, defendant filed a note of issue in this action, which plaintiff filed objections to some thirteen days thereafter. However, this firm was informed that Dermot G. Foley would become Special Trial Counsel for plaintiff in this matter and would prosecute the action with all due speed. On the basis of this report, the note of issue was withdrawn by defendant.

*Defendant's Affidavit (September 24, 1971) in Opposition
to Plaintiff's Objection to Note of Issue*

4. Since November 1970, plaintiff's attorneys have served a request for production of documents for inspection and copying, pursuant to FRCP Rule 34, returnable March 5, 1970. In accordance with plaintiff's request, defendant made available 134 volumes of its records. Attached hereto, as Exhibit A, is a copy of the listing of the volumes. Furthermore, defendant also produced other documents called for by plaintiff's request. Plaintiff's attorneys (Messrs. Harris & Foley) came to the office of Harris, Upham & Co. Incorporated, 120 Broadway, New York, New York, and spent approximately three hours searching through the voluminous records on April 2, 1971. Again, on April 30, 1971, Mr. Harris appeared (without Mr. Foley) and spent five hours looking at the records and making notations. Since that time and until the filing of the note of issue, i.e., June 2, 1970, plaintiff's attorneys have not attempted to either inspect or copy the documents produced, nor have they used any other discovery devices since November 1970.

5. Defendant's attorneys, proceeding with reasonable dispatch conducted plaintiff's deposition on October 15, 1969, and May 12, 1970, and are satisfied on the basis of these depositions and their investigations

*Defendant's Affidavit (September 24, 1971) in Opposition
to Plaintiff's Objection to Note of Issue*

that the action is without merit, is interposed in bad faith, and will result in a defendant's verdict. Accordingly, plaintiff's opposition to the Note of Issue should be summarily dismissed.

S/

Michael J. McAllister

Sworn to before me this
24th day of September, 1971.

S/

GERALD E. RUPP
Notary Public, State of New York
No. 31-3401710
Qualified in New York County
Commission Expires March 30, 1973

EXHIBIT A--LISTING OF 134 VOLUMES OF DEFENDANT'S RECORDS
ANNEXED TO DEFENDANT'S AFFIDAVIT (SEPTEMBER
24, 1971) IN OPPOSITION

HARRIS, UPHAM & CO
INCORPORATED

RE: BARTEP

THE FOLLOWING BOOKS WERE AVAILABLE:

Rec. & Deliver

1968 - Oct. 29
1968 - Dec. 19
1969 - Jan. 9
1969 - July 22

We Fail Credit

1968 - Nov. 25 - 26
" - Nov. 27 - 29
" - Dec. 6
" - " 19 - 20
" - " 23 - 24
1969 - Jan. 20 - 21

They Fail Debit

1968 - Oct. 30
" - Nov. 6
" - " 13
" - " 29
" - Dec. 5
" - " 18
1969 - Jan. 15
" - June 17 - 18
" - August 1 - 4

General Ledgers

Oct. 1968 to
Nov. 1969

Chase Manhattan - Check Stubs

1968 - Nov.
1968 - Dec.
1969 - Jan. & Feb.
" - March - April
" - May
" - June
" - July
" - August-Sept.

Chemical Bank - Check Stubs

1969 - Mar. 3 - 13
" - " 14 - 28
" - April 1 - 16
" - " 17 - 30

Chemical Bank - Check Stubs

1968 - Oct. 11 - 23
" - " 24 - 31
" - Nov. 1 - 12
" - " 13 - 20
" - Nov. 21 - 29
" - Dec. 1 - 10
" - " 11 - 19
" - " 20 - 31

Chemical Bank

1969 - Jan. 1 - 15
" - " 16 - 31
" - Feb. 3 - 14
" - " 17 - 28
" - May 1 - 15
" - " 16 - 29
" - June 1 - 13
" - " 16 - 30
" - July
" - Aug.

*Exhibit A Annexed to Defendant's Affidavit
(September 24, 1971) in Opposition*

HARRIS, UPHAM & CO
INCORPORATED

Page 2

BARTEP (continued)

(Daily)

1968 - Oct. 28
 " - October 29
 " - " 30
 " - Nov. 6 Nov. 7 - 13
 " - " 14
 " - Nov. 29

 1969 - Jan. 20
 " - " 28
 " - " 31
 " - Feb. 14
 " - June, 17
 " - August 1
 " - " 14
 " - " 19
 " - Sept. 9

Cash Summaries - 1969 - Aug. 1

Book #Customer Ledges

107 - 1968 - Oct. - Dec.
 160 - 1968 - Oct. - Dec.
 421 - 1968 - Oct. - Dec.
 422 - 1968 - Oct. - Dec.
 341 - 1968 - Oct. - Dec.
 386 - 1968 - Oct. - Dec.
 546 - 1968 - Oct. - Dec.
 356 - 1969 - Jan. - March

Stock Record

1968 - Oct. 25
 " - Nov. 1
 " - " 8
 " - " 15
 " - " 22
 " - " 29
 " - Dec. 6
 " - " 13
 " - " 20
 " - " 27
 1969 - Jan. 3
 " - " 10
 " - " 24 (2 books)
 " - " 31
 " - " "

P & S Daily

1968 - Oct. 25 - 31
 " - Nov. 1 - 12
 " - Dec. 1 - 9
 " - " 10 - 19
 1969 - Jan. 2 - 13
 " - " 23 - 31
 " - Aug. 1 - 14
 " - Sept. 2 - 17

P & S Bought

1968 - Oct. 23 - 31
 " - Nov. 1 - 13
 " - Dec. 11 - 18
 1969 - Jan. 2 - 8

P & S Sold

1968 - Nov. 1 - 15
 " - " 18 - 29
 " - Dec. 1 - 9
 1969 - Jan. 23 - 31
 " - Sept. 2 - 17

(continued) Stock Record

1969-Feb. 7	1969 - June 20
" " 14	" - " 27
" " 21	" - July 3
" " 28	" - " 11
" Mar. 7	" - " 18
" " 14	" - " 25
" " 21	" - Aug. 1
" " 28	" - " 8
" Apr. 4	" - " 18
" " 11	" - " 22
" " 18	" - " 29
" " 25	
" May 2	
" " 9	
" " 16	
" " 23	
" " 29	
" June 6	
" " 13	

OBJECTION FILED BY DERMOT G. FOLEY, COUNSEL, (JUNE 4, 1971)
TO NOTE OF ISSUE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,	:	69 Civ. 3312
	:	
Plaintiff,	:	OBJECTION TO
	:	<u>NOTE OF ISSUE</u>
- against -	:	
	:	
HARRIS, UPHAM & CO. INCORPORATED,	:	
	:	
Defendant.	:	

-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

DERMOT G. FOLEY, being duly sworn, deposes
and says:

I am a member of the bar of this Court and
partner of Kaplan, Kilsheimer & Foley, Esqs., who are acting
as counsel to Livingston, Livingston & Harris, attorneys for
plaintiff.

On behalf of plaintiff, I object to the Note
of Issue filed herein by the defendants. Pretrial discovery
has not been completed in this action and the cause is not
ready for trial. Furthermore, the statement in Paragraph 10
of the Note of Issue filed herein to the effect that defend-
ants have approached plaintiff as to the possibility of settle-
ment is untrue. Finally, the description of the nature and

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*Objection Filed by Dermot G. Foley, Counsel, (June 4, 1971)
to Note of Issue*

object of the action in Paragraph 4 of the said Note of Issue
is inaccurate.

WHEREFORE, I respectfully request that the Note
of Issue filed herein be stricken.

DERMOT G. FOLEY

Sworn to before me this
4th day of June, 1971.

WARGOLD SIMON
Notary Public, State of New York
No. 66-9012560
Qualified in Queens County
Comm. Filed in New York County
Renewed on April 2, March 29, 1972

PLAINTIFF'S NOTICE OF MOTION (AUGUST 6, 1971) TO
COMPEL DOCUMENT PRODUCTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.

NOTICE OF MOTION AND AFFIDAVIT
TO COMPEL PRODUCTION OF DOCUMENTS

71 Civ. 2059

S I R S:

PLEASE TAKE NOTICE that the undersigned will move this Court, pursuant to Rule 37(a)(2) of the Federal Rules of Civil Procedure, at the United States Courthouse, Foley Square, New York, New York, Room 506, on the 12th day of August, 1971, at 10 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, for an order compelling defendant to produce and permit plaintiff to inspect and copy the documents contained in plaintiff's Request to Produce, which was served on the 2nd day of February, 1971.

Dated: New York, New York

6th day of August, 1971. Yours, etc.

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff

By: J. Allen Harris
A Member of the Firm

TO: GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant
One Wall Street
New York, New York

Of Counsel: KAPLAN, KILSHRENER & FOLEY
122 East 42nd Street
New York, New York 10017

AFFIDAVIT OF DERMOT G. FOLEY IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL PRODUCTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,

Plaintiff,

69 Civ. 3312

-against-

AFFIDAVIT

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.

-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

DERMOT G. FOLEY, being duly sworn, deposes and says:

I am a member of the Bar of this Court and a member of Kaplan, Kilsheimer & Foley. We are acting as counsel to Livingston, Livingston & Harris, attorneys for the plaintiff herein. I submit this affidavit in support of plaintiff's motion, pursuant to Rule 37(a)(2) of the Federal Rules of Civil Procedure, to compel production by defendant of certain documents and records pursuant to a request to produce under Rule 34, which was served by plaintiff upon defendant, a copy of which is annexed hereto as Exhibit "A".

The plaintiff sues to recover damages which he sustained by reason of the failure of defendant, as his stockbroker, to secure delivery of allegedly purchased securities, and when such delivery

*Affidavit of Dermot G. Foley in Support of Plaintiff's
Motion to Compel Production*

was not secured, defendant's further failure to cancel the order as directed by plaintiff.

Exhibit "A" called for production of the said documents on March 5, 1971. The request seeks documents, all of which are required to be maintained by the defendant under the Rules of the Securities and Exchange Commission. The defendant made no objection and indicated no opposition to the plaintiffs request. However, on March 5, 1971 when production was due, the defendants indicated that all of the documents were not yet prepared and plaintiff's attorneys agreed to an extension of time in which to obtain the documents. On April 2, 1971, deponent, together with I. Alan Harris of Livingston, Livingston & Harris, Esqs., attorneys for plaintiff herein, visited the office of defendant's attorneys to examine the documents we had requested. When we arrived at the defendant's attorneys' office, we were surprised to find that there was available only a few photocopies of IBM printouts which were unintelligible to any of the attorneys present. After considerable discussion and re-examination of the request to produce, it was agreed that defendant's attorneys would confer with their clients so as to arrange a proper production of the requested documents.

On April 30, 1971, deponent and Mr. Harris met defendant's attorneys at the office of the defendant. On this occasion we

*Affidavit of Dermot G. Foley in Support of Plaintiff's
Motion to Compel Production*

were taken to a room where we found, by our best estimate, well over 100 volumes of IBM printouts of computer information and data which were overwhelmingly irrelevant to the material we had requested. Furthermore, the voluminous documents were in a state of profound confusion with loose pages and assorted pieces of paper here and there among and protruding from between the bound pages of the volumes. The condition of these documents was such that even extraordinary efforts on our part would render it virtually impossible to organize the relevant material, if any, contained therein. Furthermore, as we endeavored to review the material, we again found many of the items we requested were not furnished and, in fact, an employee of defendant admitted, in the presence of all attorneys, that a large file containing documents which we had requested had been seen by him in the defendant's office. This file of documents was not put among the items furnished to us and it was not produced.

On May 14, 1971, Mr. Harris returned to the defendant's office and found that, although some additional material was furnished, the chaotic and unmanageable condition of the materials remained unchanged and the missing file was not produced. Significantly, after Mr. Harris had been informed that certain items did not exist or could not be produced, some of them fell from between the bound pages of IBM printout volumes.

*Affidavit of Dermot G. Foley in Support of Plaintiff's
Motion to Compel Production*

The Rules of the Securities and Exchange Commission, both in letter and in intent, require that the defendant maintain the records which we have sought. To maintain these records in a state of such confusion as to render them constructively unavailable to parties entitled to examine them is intolerable. It is our belief that the chaotic condition in which the documents were produced, to the extent they were produced, serve to make discovery impossible as a practical matter.

This belief is confirmed by the fact that the defendant has sought continuously to force this case to a trial, without affording plaintiff reasonable discovery. Heretofore, interrogatories served by the plaintiff were answered with such persistent inadequacy that the Court finally awarded costs. We may add that thereafter we were never served with answers to interrogatories which we considered satisfactory and eventually we gave up in frustration and decided to seek information in other ways. In addition, the defendant has twice filed notices of issue in this case. The most recent was dated May 28, 1971, when they knew that we were not satisfied with the production of documents and that, upon completion of the examination of the documents, we were going to schedule depositions. The first notice of issue was voluntarily withdrawn and we have filed objections to the most recent. We

*Affidavit of Dermot G. Foley in Support of Plaintiff's
Motion to Compel Production*

submit that the documents requested in Exhibit "A" are relevant to the subject matter in the pending action and we request that this Court order the defendants to comply with the request for production forthwith.

DERMOT G. FOLEY

Sworn to before me this
27th day of July, 1971.

HAROLD SIMON
Notary Public, State of New York
No. 100012800
Qualified in New York County
Certificate filed in New York County
Commission Expires March 31, 1972

EXHIBIT A--REQUEST FOR PRODUCTION OF DOCUMENTS ANNEXED
TO AFFIDAVIT OF DERMOT G. FOLEY

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO. (INCORPORATED),

Defendant.

: REQUEST FOR PRODUCTION
OF DOCUMENTS FOR IN-
: SPECTION AND COPYING

: Index No. 69 Civ. 3312

:

-----X

Plaintiff, Harold Fisher, hereby requests, pursuant to Rule 34 of the Federal Rules of Civil Procedure, that defendant, Harris, Upham & Co. (Incorporated), produce and permit plaintiff to inspect and copy all documents, writings, communications, business records, confirmations, transfer records, and other data or documents from which information can be obtained, relevant to the issues in the above captioned action, in the possession or control of defendant, including but not limited to the following:

1. The blotters (or other records of original entry) which contain the itemized daily records up to August 31, 1969 of the following transactions in which the defendant acted as principal or agent and which show the account for which each such transaction was effected, the number of shares, the unit and aggregate purchase or sale price (if any), and the name or other designation

Exhibit A Annexed to Affidavit of Dermot G. Foley

of the person from whom purchased or received or to whom sold or delivered:

- (a) of all trades, both purchases and sales, of shares of Bartep Industries, Inc. ("Bartep");
- (b) of all receipts and deliveries of shares of Bartep (including the certificate numbers); and
- (c) of all disbursements of cash to, and all other credits to the account(s) of, the persons from whom any of the shares of Bartep above referred to were purchased or received.

2. The ledger accounts (or other records) which itemize all purchases, sales, receipts and deliveries of shares of Bartep up to August 31, 1969 in each of the following accounts:

- (a) the defendant's account, as a principal; and
- (b) the plaintiff's account.

3. The ledgers (or other records) which reflect:

- (a) all shares of Bartep in transfer up to August 31, 1969;
- (b) all shares of Bartep with respect to which the defendant, at any time up to August 31, 1969, was in a position of failure to receive or failure to deliver; and

- (c) the dollar amount of all securities as to which the defendant was in a fail to deliver position to Lockwood & Co. and I. J. Schenin Co. during the period from October 1, 1968 to August 31, 1969.

4. The record or ledger reflecting, for shares of Bartep as of the clearance dates, all "long" or "short" positions (including securities in safekeeping) carried by the defendant for its account as a principal, and for the account of the plaintiff and defendant's other customers, and showing the location of all such shares long, the offsetting position to all securities short, and in all cases the name or designation of the account in which each position was carried.

5. The memorandum of each brokerage order, and of any communications or other instructions (including those from or to officers, partners, employees and associated persons of the defendant) given or received up to August 31, 1969, relative to the purchase or sale of shares of Bartep or the activities and/or efforts of defendant to accomplish the receipt, delivery and transfer of registration of such shares, whether executed or unexecuted, showing the terms and conditions of each such order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, the price at which executed and the time of execution or cancellation.

Exhibit A Annexed to Affidavit of Dermot G. Foley

6. The memorandum of each purchase and sale of shares of Bartep for the account of the defendant showing the price and the time of execution; and if any such purchase and sale is with a customer other than a broker or dealer, the memorandum of each order received, showing the time of receipt and the account in which entered.

7. The copies of confirmations of all purchases and sales of shares of Bartep up to August 31, 1969.

8. All documents and records and all data from which information can be obtained relative to any commingling of shares of Bartep carried for the account of plaintiff with shares of Bartep carried for the account of any other customer, with or without the consent of such customers.

9. All notices sent to customers relating to commingling of shares of Bartep held in the name of or carried for the account of each such customer up to August 31, 1969.

10. Copies of all advertisements and other sales literature of the defendant of its services as a broker in newspapers and magazines having general circulation in the area of Miami and Fort Lauderdale, Florida, between January 1, 1966 and October 31, 1968.

It is requested that the aforesaid production be made

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Exhibit A Annexed to Affidavit of Dermot G. Foley

on the 5 day of ~~January~~ ^{March}, 1971 at 10:00 o'clock in the fore-
noon at Suite 4000, 122 East 42nd Street, New York, New York 10017.

LIVINGSTON, LIVINGSTON & HARRIS, ESQS.
Attorneys for Plaintiff
Office & P. O. Address
292 Madison Avenue
New York, New York 10017

[KAPLAN, KILSHEIMER & FOLEY, ESQS.
Dermot G. Foley, Esq.
of Counsel to Attorneys for Plaintiff]

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AFFIDAVIT OF MICHAEL J. MC ALLISTER IN OPPOSITION TO
MOTION TO COMPEL PRODUCTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

HAROLD FISHER, :

Plaintiff, :

-against- :

69 Civ. 3312

AFFIDAVIT

HARRIS, UPHAM & CO., INCORPORATED, :

Defendant. :

- - - - - x

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

MICHAEL J. McALLISTER being duly sworn, deposes
and says:

1. I am a member of the Bar of this Court and
am associated with Gifford, Woody, Carter & Hays,
Attorneys for the defendant herein, and am familiar with
the facts herein. This affidavit is submitted in opposi-
tion to plaintiff's motion, pursuant to Rule 37(a)(2) of
the Federal Rules of Civil Procedure, to compel the
production of certain documents and records by the
defendant as requested by plaintiff under Rule 34, Federal
Rules of Civil Procedure.

*Affidavit of Michael J. McAllister in Opposition to
Motion to Compel Production*

2. Plaintiff seeks to recover the amount paid for 5,000 shares of Bartep Industries, Inc. purchased in or about October 1968 on the ground that defendant had not purchased from a seller who would make delivery by the settlement date and that, when such delivery was not secured, defendant failed to cancel the purchase order as directed by plaintiff.

3. Defendant's answer generally denies the allegations of wrongdoing in the complaint and further alleges that the securities in issue were held by it in "street name" for plaintiff's account; plaintiff did not request delivery of the securities; and plaintiff has wrongfully sought to foist his speculative losses upon the defendant. Accordingly, plaintiff had the right and capability to sell these shares at will.

4. Issue was joined on October 3, 1969. Plaintiff's attorneys have served exhaustive and over-reaching written interrogatories in two sets and have been provided with extremely detailed answers thereto on October 3, 1969, April 2, 1970 and October 5, 1970.

5. Defendant's attorneys conducted plaintiff's

*Affidavit of Michael J. McAllister in Opposition to
Motion to Compel Production*

deposition on October 15, 1969 and May 12, 1970 and are satisfied on the basis of these depositions and their investigations that plaintiff's claim is without merit, is interposed in bad faith and will result in a defendant's verdict.

6. On February 2, 1971, plaintiff's attorney served a far-reaching and exhaustive request for production of documents, a copy of which is attached as Exhibit A to the supporting affidavit of plaintiff's special counsel, Dermot G. Foley, sworn to July 27, 1971. In a good faith attempt to comply, defendant produced approximately 150 volumes of its books and records as well as files from its several branch offices, all of which satisfied Requests 1, 2, 3, 4, 6, 7, 8, 9 and 10 of plaintiff's request for production of documents. A list of the bound documents that were produced is attached hereto as Schedule A. These records reflect defendant's activities from October 1968 to and including August 1969.

7. Plaintiff's attorneys simply bit off more than they can chew. The facts they are seeking had to be shown to them item by item by deponent and defendant's

*Affidavit of Michael J. McAllister in Opposition to
Motion to Compel Production*

employees simply because neither Mr. Harris nor Mr. Foley are familiar with business records which are memorialized in bound volumes of computer print-out sheets. Defendant did not choose this method of discovery; but now plaintiff's attorneys, who are unable to utilize their chosen method of discovery because of their ignorance, try to place the onus of improper production on defendant. The result of this is clearly harassment of the defendant.

8. Plaintiff's attorneys first chose the discovery vehicle of interrogatories; now they are attempting a second avenue. Because of the infirmity of their case and their own inabilities, plaintiff's attorneys have been unable to uncover any "facts" to sustain plaintiff's claim and so, they are simply attacking defendant. Defendant respectfully requests the aid of this court in the form of a protective order to avoid the harassing tactics employed by plaintiff's attorneys.

9. Defendant has attempted through great expenditure of effort to comply in good faith with the discovery provisions of the Federal Rules of Civil Procedure. By way of this answering affidavit defendant now

*Affidavit of Michael J. McAllister in Opposition to
Motion to Compel Production*

seeks permanent relief from this Court to limit the harassment and nuisance imposed upon it by counsel's ignorance and inability to come to grips with the simple issues involved herein. Accordingly, defendant respectfully requests that plaintiff's motion be denied in all respects and defendant's request for affirmative relief be granted, in accordance with Rule 26 (c)(1), (2) or (3), whereby the Court shall order that:

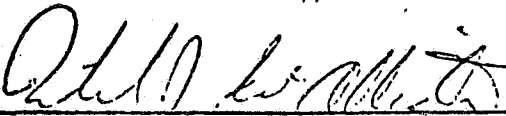
A. the discovery sought not be had; or,
in the alternative,

B. the discovery be limited to only one full day of inspection and copying by plaintiff's attorneys, at defendant's main office, 120 Broadway, New York, New York, at the expense of plaintiff, i.e., that the cost of producing the employees of defendant for the purpose of educating his attorneys be borne by plaintiff; or, in the alternative,

C. the discovery sought may be had only by deposition of the registered representative

*Affidavit of Michael J. McAllister in Opposition to
Motion to Compel Production*

and any other employee of defendant involved in
its purchase of 5,000 shares of Bartep Industries,
Inc. in October, 1968 for plaintiff's account.



Michael J. McAllister

Sworn to before me this
8th day of September, 1971.



PAUL F. ROBINSON
Notary Public, State of New York
No. 41-8604930
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1972

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EXHIBIT A--LIST OF BOUND DOCUMENTS THAT WERE
PRODUCED ANNEXED TO AFFIDAVIT OF
MICHAEL J. MC ALLISTER

2091-126

EXHIBIT A

ARRIS, UPHAM & CO
INCORPORATED

RE: BARTEP

THE FOLLOWING BOOKS WERE AVAILABLE:

Rec. & Deliver

1968 - Oct. 29
1968 - Dec. 19
1969 - Jan. 9
1969 - July 22

We Fail Credit

1968 - Nov. 25 - 26
" - Nov. 27 - 29
" - Dec. 6
" - " 19 - 20
" - " 23 - 24
1969 - Jan. 20 - 21

They Fail Debit

1968 - Oct. 30
" - Nov. 6
" - " 13
" - " 29
" - Dec. 5
" - " 18
1969 - Jan. 15
" - June 17 - 18
" - August 1 - 4

General Ledgers

Oct. 1968 to
Nov. 1969

Chase Manhattan - Check Stubs

1968 - Nov.
1968 - Dec.
1969 - Jan. & Feb.
" - March - April
" - May
" - June
" - July
" - August-Sept.

Chemical Bank - Check Stubs

1969 - Mar. 3 - 13
" - " 14 - 28
" - April 1 - 16
" - " 17 - 30

Chemical Bank - Check Stubs

1968 - Oct. 11 - 23
" - " 24 - 31
" - Nov. 1 - 12
" - " 13 - 20
" - Nov. 21 - 29
" - Dec. 1 - 10
" - " 11 - 19
" - " 20 - 31

Chemical Bank

1969 - Jan. 1 - 15
" - " 16 - 31
" - Feb. 3 - 14
" - " 17 - 28
" - May 1 - 15
" - " 16 - 29
" - June 1 - 13
" - " 16 - 30
" - July
" - Aug.

Exhibit A Annexed to Affidavit of Michael J. McAllister

HARRIS, UPHAM & CO
INCORPORATED

Page 2

BARTEP (continued)

(Daily)

1968 - Oct. 28
 " - October 29
 " - " 30
 " - Nov. 6 Nov. 7 - 13
 " - " 14
 " - Nov. 29

1969 - Jan. 20
 " - " 28
 " - " 31
 " - Feb. 14
 " - June, 17
 " - August 1
 " - " 14
 " - " 19
 " - Sept. 9

Cash Summaries - 1969 - Aug. 1

Book #Customer Ledges

107 - 1968 - Oct. - Dec.
 160 - 1968 - Oct. - Dec.
 421 - 1968 - Oct. - Dec.
 422 - 1968 - Oct. - Dec.
 341 - 1968 - Oct. - Dec.
 386 - 1968 - Oct. - Dec.
 546 - 1968 - Oct. - Dec.
 356 - 1969 - Jan. - March

Stock Record

1968 - Oct. 25
 " - Nov. 1
 " - " 8
 " - " 15
 " - " 22
 " - " 29
 " - Dec. 6
 " - " 13
 " - " 20
 " - " 27
 1969 - Jan. 3
 " - " 10
 " - " 24 (2 books)
 " - " 31
 " - " "

P & S Daily

1968 - Oct. 25 - 31
 " - Nov. 1 - 12
 " - Dec. 1 - 9
 " - " 10 - 19
 1969 - Jan. 2 - 13
 " - " 23 - 31
 " - Aug. 1 - 14
 " - Sept. 2 - 17

P & S Bought

1968 - Oct. 23 - 31
 " - Nov. 1 - 13
 " - Dec. 11 - 18
 1969 - Jan. 2 - 8

P & S Sold

1968 - Nov. 1 - 15
 " - " 18 - 29
 " - Dec. 1 - 9
 1969 - Jan. 23 - 31
 " - Sept. 2 - 17

(continued) Stock Record

1969-Feb. 7	1969 - June 20
" " 14	" - " 27
" " 21	" - July 3
" " 28	" - " 11
" Mar. 7	" - " 18
" " 14	" - " 25
" " 21	" - Aug. 1
" " 28	" - " 8
" Apr. 4	" - " 18
" " 11	" - " 22
" " 18	" - " 29
" " 25	
" May 2	
" " 9	
" " 16	
" " 23	
" " 29	
" June 6	
" " 13	

Exhibit A Annexed to Affidavit of Michael J. McAllister

RE: BARTEP

THE FOLLOWING BOOKS WERE AVAILABLE:

Rec. & Deliver

1968 - Oct. 29
 1968 - Dec. 19
 1969 - Jan. 9
 1969 - July 22

We Fail Credit

1968 - Nov. 25 - 26
 " - Nov. 27 - 29
 " - Dec. 6
 " - " 19 - 20
 " - " 23 - 24
 1969 - Jan. 20 - 21

They Fail Debit

1968 - Oct. 30
 " - Nov. 6
 " - " 13
 " - " 29
 " - Dec. 5
 " - " 18
 1969 - Jan. 15
 " - June 17 - 18
 " - August 1 - 4

General Legends

OCT

JAN 1968

TO AUG 1969

NOV 1969

Chase Manhattan - Check Stubs

1968 - Nov.
 1968 - Dec.
 1969 - Jan. & Feb.
 " - March - April
 " - May
 " - June
 " - July
 " - Acctg. - Sept.
 Aug.

Chemical Bank - Check Stubs

1969 - Mar. 3 - 13
 " - " 14 - 28
 " - April 1 - 16
 " - " 17 - 30

Chemical Bank - Check Stubs

1968 - Oct. 11 - 23
 " - " 24 - 31
 " - Nov. 1 - 12
 " - " 13 - 20
 " - Nov. 21 - 29
 " - Dec. 1 - 10
 " - " 11 - 19
 " - " 20 - 31

Chemical Bank

1969 - Jan. 1 - 15
 " - " 16 - 31
 " - Feb. 3 - 14
 " - " 17 - 28
 " - May 1 - 15
 " - " 16 - 29
 " - June 1 - 13
 " - " 16 - 30
 " - July
 " - Aug.

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MEMO ENDORSED BY MAGISTRATE GOETTEL APPROVED BY
JUDGE GURFEIN

Index No. 71 Civ. 2059 19
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO., INCORPORATED

Defendant

NOTICE OF MOTION, AFFIDAVIT
and SUPPORT MEMORANDUM OF LAW.

LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff
Office and Post Office Address
292 Madison Avenue
New York, N. Y. 10017
(212) 889-3633

To GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorney for Defendant

Service of a copy of the within

is hereby admitted.

Dated:

19

Attorney for

MICROFILM
SEP 20 1971

U. S. DISTRICT COURT
FILED
SEP 17 1971
S. D. OF N. Y.

Copy Rec'd
Aug 6, 1971
Gifford, Woody Carter + Hays
Atty's G. I. Roth

209-1126
OCF

Motion disposed of by stipulation
of counsel that defendant will produce and
turn over to plaintiff copies of the requested
documents, at plaintiff's expense, by October 15, 1971.
If any documents which may exist, cannot
be located presently, a statement to the
effect may be made + the documents as identified.
to the extent possible.

GERARD L. GOETTEL
United States Magistrate
Southern District of New York

So. D. of N. Y.
11/17/71
VSO

HAROLD FISHER,

Plaintiff,

69 Civ. 3312

-against-

HARRIS, UPHAM & CO. (INCORPORATED),

ORDER APPOINTING
SPECIAL MASTER

Defendant.

Upon consent of the parties following discussion
with the Court,

IT IS ORDERED THAT:

(1) JOHN J. GALGAY, ESQ., 445 Park Avenue, New York, N.Y. 10022 (421-8800), be, and he hereby is, appointed Special Master in the above-entitled action, to superintend all pending and further discovery proceedings in this action, with power in the first instance:

(a) To rule on all pending and future motions relating to discovery, whether by deposition, interrogatories, or the production, inspection, copying, photographing, etc. of documents;

(b) To designate the time and place of all pending and future depositions, whether upon oral deposition or written interrogatories;

(c) To preside at and to rule upon

*Order Appointing Special Master John J. Galgay Dated
February 18, 1972*

all objections to, and the propriety of,
any questions propounded to any party or
witness during any deposition;

(d) To rule upon any written inter-
rogatory and all objections to any ques-
tions so propounded;

(e) To direct any party or witness
to answer any questions which the
Special Master finds unobjectionable;

(f) To order, upon a showing of
good cause and subject to the provi-
sions of Rule 30(b), the production,
inspection and copying of any desig-
nated documents and records not priv-
ileged which constitute or contain
evidence relating to any of the
matters within the scope of the
discovery permitted by Rule 26(b)
and which are in the possession,
custody or control of a party;

(g) To rule, pursuant to the
provisions of Rule 30(b), on whether

*Order Appointing Special Master John J. Galgay Dated
February 18, 1972*

documents and records produced are
privileged;

(h) To regulate, pursuant to
Rule 53(c), all proceedings in
every hearing before him, and to
do all acts and take all measures
necessary or proper for the effi-
cient performance of his duties
as set forth above.

(2) Any action or ruling made by the Special
Master shall be subject to review by this Court upon written
application of any party, at the completion of the taking of
the deposition of each witness or the completion of discov-
ery and inspection, as the case may be. Such application
shall be directed to the undersigned as Judge, and control
of this cause is retained by the undersigned for the purpose
of ruling on such applications.

(3) Interim compensation to be allowed the Spe-
cial Master for his services shall be fixed by the Court,
either upon the written stipulation of the parties and the
Special Master or upon motion of the Special Master, at the

*Order Appointing Special Master John J. Galgay Dated
February 18, 1972*

conclusion of any one or more of the depositions, discovery and inspection of documents, or motions with respect to discovery, and the final compensation to be allowed the Special Master for his services shall be fixed by the Court in the same manner after the Special Master has fully rendered the services called for above.

(4) The interim allowances of compensation to the Special Master, and the cost of a copy of the transcript of each future examination for the Special Master shall be paid promptly by the parties, as follows: the plaintiff shall pay fifty (50%) per cent, and the defendant shall pay fifty (50%) per cent.

(5) Upon the final disposition of this action, the full amount paid as compensation and expenses of the Special Master shall be taxed as costs against the unsuccessful party.

(6) The time for all parties to place this suit on a trial calendar is extended to ten (10) days after the

A 211

Order Appointing Special Master John J. Galgay Dated
February 18, 1972

submission of the Special Master's final report certifying
that all discovery proceedings have been completed.

Dated: New York, N. Y.

February 18, 1972

Lloyd F. MacMahon

LLOYD F. MacMAHON

United States District Judge

The above order is
consented to:

Paul J. Aschbacher
Att'y for Deft. Harris, Hyman + B., Chicago

James J. Hyman
Att'y for Deft. Harris
W. J. Galgay
Att'y for Plaintiff, Harold G. Glick

NOTICE OF SETTLEMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

HAROLD FISHER, :
 : 69 Civ. 3312
Plaintiff, :
-against- : NOTICE OF SETTLEMENT
HARRIS, UPHAM & CO. INCORPORATED, :
Defendant. :

- - - - -x

SIRS:

PLEASE TAKE NOTICE that a Proposed Order, of which the within is a true copy, will be presented for settlement and signature to the Hon. LLOYD F. MacMAHON, United States District Court Judge for the Southern District of New York, at his Chambers, in the United States Courthouse, Foley Square, New York, New York 10007, on the 3rd day of November, 1972, at 2:15 P.M.

Dated: New York, New York
October 26, 1972.

Yours, etc.

GIFFORD, WOODY, CARTER & HAYS

By /s/ Charles L. Trowbridge
A Member of the Firm
Attorneys for Defendant
One Wall Street
New York, New York 10005
(212) 344-0470

TO:

JOHN J. GALGAY, Esq., Special Master
Regan, Goldfarb, Powell & Quinn, Esqs.
445 Park Avenue
New York, New York 10022
(212) 421-8800

A 213

Notice of Settlement

KAPLAN, KILSHEIMER & FOLEY, Esqs.,
Of Counsel to Attorneys for Plaintiff
122 East 42nd Street
New York, New York 10017
(212) MU 7-1980

LIVINGSTON, LIVINGSTON & HARRIS, Esqs.
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017
(212) 889-3633

Notice of Settlement

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

HAROLD FISHER,	:	
	:	69 Civ. 3312
Plaintiff,	:	
-against-	:	PROPOSED ORDER
HARRIS, UPHAM & CO. INCORPORATED,	:	
Defendant.	:	

- - - - -x

Upon the Decision of the Special Master, dated September 22, 1972, regarding claimed areas of deficient production of documents by defendant, and it appearing therefrom that there may be material contained in defendant's Computerized Wire Service Unit, an examination of which may produce documents called for by plaintiff, and it further appearing that a search for the entire period demanded by plaintiff may be unreasonably expensive and fruitless, and since there is a Memorandum Order of the Court, by the Hon. Charles J. Tenney, dated April 24, 1972, directing that all discovery be completed by June 30, 1972;

NOW, on motion of GIFFORD, WOODY, CARTER & HAYS, attorneys for defendant; it is

ORDERED, that the Memorandum Order of the

Notice of Settlement

Hon. Charles J. Tenney, dated April 24, 1972, be modified to the following extent:

1. Plaintiff shall furnish a list of 20 specific dates to the defendant within 7 days of the entry of this Order; and

2. That within 30 days of receiving the list the defendant shall conduct and complete a thorough search by trained and experienced Harris, Upham personnel of the Computerized Wire Service Unit for the dates specified by the plaintiff and produce all documents called for in Paragraph 5 of the plaintiff's Rule 34 request disclosed by such search; and it is further

ORDERED, that Special Master John J. Galgay shall review the production made by defendant as directed above and the Special Master shall make a determination whether further discovery of defendant's Computerized Wire Service Unit should be made by defendant pursuant to plaintiff's Rule 34 motion; and it is further

ORDERED, that if the Special Master shall find that there is no need for further discovery of the defendant's Computerized Wire Service Unit, then he will

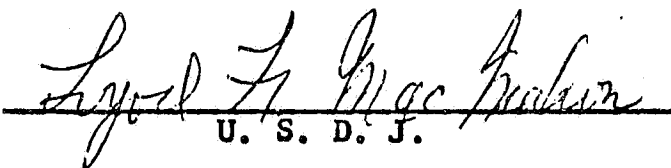
Notice of Settlement

take such action as required by order of the Court dated February 18, 1972 appointing him Special Master to terminate discovery proceedings; and it is further

ORDERED, that if the Special Master shall find that further production of material from defendant's Computerized Wire Service Unit is required, then discovery will be completed in accordance with the order of the Court, dated February 18, 1972, in which the Special Master was to supervise all discovery herein to completion.

Dated: New York, New York,

November 17, 1972.


U. S. D. J.

AFFIDAVIT OF MICHAEL J. MC ALLISTER IN SUPPORT OF
MOTION FOR SETTLEMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

HAROLD FISHER,	:	
	:	69 Civ. 3312
Plaintiff,	:	
	:	<u>AFFIDAVIT</u>
-against-	:	
HARRIS, UPHAM & CO., INCORPORATED	:	
	:	
Defendant.	:	

- - - - - x

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

MICHAEL J. McALLISTER being duly sworn, deposes
and says:

1. He is associated with the firm of Gifford,
Woody, Carter & Hays, attorneys for defendant, is
familiar with the facts herein and submits this affidavit
in support of defendant's proposed order noticed for
settlement on November 3, 1972 and in opposition to
plaintiff's proposed counter-order.

2. Plaintiff's notice of settlement of proposed
counter-order was served upon this firm on November 3,
1972 at 9:30 A.M. Plaintiff's notice was not served

*Affidavit of Michael J. McAllister in Support of
Motion for Settlement*

timely under Local Rule 14 which requires one day's notice. Accordingly, it is respectfully submitted the court should disregard plaintiff's proposal.

3. However, if the court should consider the plaintiff's proposal, defendant requests the court to consider the following information. Appended hereto, as Exhibit A, is a true copy of the Special Master's Letter of October 18, 1972 to the deponent and Dermot Foley, trial counsel to plaintiff. As is indicated in the Special Master's Letter (Exhibit A) defendant is willing to abide by the limited discovery set forth in the proposed order which is presently before the court pursuant to defendant's notice of settlement dated October 26, 1972. Nevertheless, discovery in this action has gone far beyond the spirit of the Federal Rules of Civil Procedure.

4. A summary of defendant's effort to produce information, documents and witnesses in this matter is as follows:

- a. Lawyers time expended - 435 hours.
- b. Answers to interrogatories - 3 sets.
- c. Documents produced - approximately 135 bound volumes from which defendant

*Affidavit of Michael J. McAllister in Support of
Motion for Settlement*

culled 500 documents, copies of which were delivered to plaintiff.

- d. Witnesses produced - eight officers and employees whose depositions were taken on January 11, 14, February 18, March 14, 16, 22, 28, 29, 30, April 10, 17 and June 9 and 13, 1972.

The above of course does not indicate the time and effort expended by defendant's back office employees in connection with items a through d.

5. It is submitted that Judge Tenney's order of April 24, 1972 prohibiting discovery after June 30, 1972 should be followed. Defendant has filed a proposed order which would require the modification of Judge Tenney's order, but in light of plaintiff's obstinate and oppressive position, it may be best to end all discovery at this time.

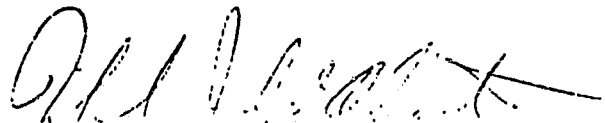
6. The Special Master's Report clearly shows that there is no proof that there may be additional evidence or information which may lead to evidence in defendant's Computerized Wire Service Unit. Only due to the pressure of plaintiff for continued discovery has the Special Master recommended a limited search of the Computerized Wire Service Unit. The limited search will not produce any documents that may be considered

*Affidavit of Michael J. McAllister in Support of
Motion for Settlement*

evidence or even lead to the production of evidence
and therefore defendant has agreed to the limited search.

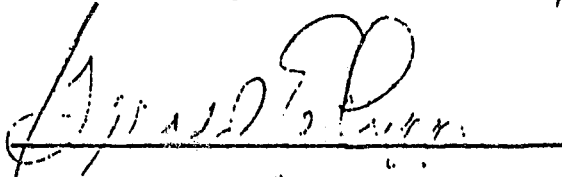
7. It is now time for plaintiff to be brought
back to reality. He has had his discovery and now he
should be compelled to prove his case at trial. The
continued harrassment of defendant must cease.

8. In conclusion, defendant respectfully
requests that at least its proposed order be adopted
by the court. However, in the interests of fairness
and justice it further requests that if the court should
so determine, an order be entered which terminates all
discovery in accordance with Judge Tenney's order of
April 24, 1972.


Michael J. McAllister

Sworn to before me this

3rd day of December, 1972



GERALD E. RUPP
Notary Public, State of New York
No. 31-5401710
Qualified in New York County
Commission Expires March 30, 1973

A 221

EXHIBIT A--SPECIAL MASTER'S LETTER DATED OCTOBER
18, 1972 ANNEXED TO AFFIDAVIT OF
MICHAEL J. MC ALLISTER

2091-126

Law Offices

~~OFFICE COPY~~

Regan Goldfarb Powell & Quinn

445 Park Avenue

New York, N.Y. 10022

Of Counsel

FRANCIS J. PURCELL
SIDNEY H. LEVIN

(212) 421-8800

CABLE ADDRESS: REGOLAW

October 18, 1972

Michael McAllister, Esq.
Gifford Woody Carter & Hayes
One Wall Street
New York, New York

Dermot Foley, Esq.
Kaplan Kilsheimer & Foley
122 East 42nd Street
New York, New York

Re: Fisher v. Harris, Upham
& Company (Incorporated)

Gentlemen:

Enclosed is a proposed order which I feel would carry out the intention expressed in my decision dated September 22, 1972. You will note that the changes made relate to Paragraph 2 on page 2 and the second decretal paragraph on page 2 of defendant Harris, Upham's proposed order which was submitted to me.

I have taken this action in preparing such a proposed order because the parties apparently are not able to resolve the language of such order between them. I have had several discussions with counsel for the parties. Counsel for defendant has stated orally and in writing that he feels there is no need for oral argument regarding the proposed order and his client will abide whatever proposed order the Special Master feels properly reflects his decision of September 22, 1972.

There should be no further delay in these proceedings and, if there is any objection to my proposed order, the parties should make written application to Judge MacMahon

Exhibit A Annexed to Affidavit of Michael J. McAllister

Goldfink Powell & Quinn

Michael McAllister, Esq.
Gifford Woody Carter & Hayes

Dermot Foley, Esq.
Kaplan Kilsheimer & Foley
October 18, 1972
Page 2

Re: Fisher v. Harris, Upham
& Company (Incorporated)

pursuant to the terms of his order appointing me as Special Master. I expect the parties to move promptly upon receipt of this letter and my proposed order.

Very truly yours,

John J. Galgay
John J. Galgay
Special Master

JJG:DED
Enclosure

A 223

TRANSCRIPT OF HEARING BEFORE JOHN GALGAY
ON JANUARY 31, 1973

1091-126

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,

Plaintiff ,

-against-

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.

-----X

424 Madison Avenue
New York, New York

January 31, 1973
11:00 a.m.

Before:

JOHN J. GALGAY, ESQ.,
The Special Master

BORAK REPORTING SERVICE
CERTIFIED SHORTHAND REPORTERS
180 NASSAU STREET
NEW YORK N.Y. 10036
WORTH 2-5057
NIGHT PHONE (516) 487-6474

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A P P E A R A N C E S :

3

4

LIVINGSTON, LIVINGSTON & HARRIS, ESQS.,

5

Attorneys for Plaintiff

292 Madison Avenue

New York, New York 10017

6

BY: I. ALAN HARRIS, ESQ.,

and

7

DERMOT FOLEY, ESQ.,

8

of Counsel

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GIFFORD, WOODY, CARTER & HAYS, ESQS.,

10

Attorneys for Defendant

One Wall Street

New York, New York 10005

11

BY: MICHAEL McALLISTER, ESQ.,

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of Counsel

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P R E S E N T :

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David M. Horn,

15

Shorthand Reporter and Notary Public

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THE SPECIAL MASTER: I called this hearing and asked the reporter to be present for the purpose of making certain statements on the record, so that any Court reviewing my services as Special Master would have the benefit of my view of the activities up to this date.

I was appointed by Judge MacMahon on February 19 to supervise all discovery and bring to a prompt conclusion depositions conducted during the past year.

Several motions had been made before me, and in September I submitted a decision dealing with an outstanding problem regarding discovery.

In this decision I stated what was attempting to be accomplished and required the defendant to produce certain documents within a prescribed period of time. And I required the plaintiff's counsel to select twenty dates under which the plaintiff was to search the Computerized Wire Service, Int., for documents on those dates.

Both parties objected orally and in writing to my decision. The plaintiff's position was that it ought not to be compelled to select twenty dates out of an entire period of roughly more than a year

*Transcript of Hearing before John Galgay
on January 31, 1973*

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2 for fear that they might select the wrong dates and
3 for fear that I would make judgment on other motions
4 pending before me based on documents that were returned
5 covering those dates.

6 The defendant was agreeable to produce and
7 select documents for whatever twenty days the plain-
8 tiff would designate; however, on previous occasions
9 it had refused to examine and select documents for
10 the entire period as requested by the plaintiff.

11 While the case was in this posture, counsel
12 for the plaintiff requested a hearing before Judge
13 MacMahon and such a hearing was held on Thursday,
14 February 16, 1972, at 4:00 p.m., Room 501, in the
15 United States Courthouse, Foley Square, New York.

16 At some time prior to that hearing, I had
17 volunteered to counsel for the plaintiff and the defendant
18 that I would be willing to donate whatever time would
19 be required to discuss the possibility of a negotiated
20 settlement of this matter.

21 That offer was rejected. At the hearing
22 before Judge MacMahon the Court strongly urged that
23 an attempt to negotiate a settlement of this case
24 be undertaken. And at that hearing I again volunteered
25 to sit on such negotiations without compensation.

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That commitment still holds.

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Since that hearing there have been many sessions attempting to bring about a settlement.

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There have also been many exchanges of phone calls among the Special Master and counsel for the plaintiff and the defendant.

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From the beginning of my duties in the beginning of my services as Special Master in this matter it has been of great concern to me that the amount involved in this litigation is a most modest amount compared to the expenses which both sides have expended in trying to put this case in a posture for trial.

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At the present time both parties have requested of me in writing to prepare and file a final report as Special Master and let them proceed to trial.

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The plaintiff has constantly taken the position that the defendant's compliance with its rule 34, motion 34, has been inadequate.

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In support of that position it has also made a motion that sanctions be recommended by the Special Master in that the cost and expense of what it terms unnecessary discovery be paid to the plaintiff

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by the defendant.

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I am concerned that if I were to yield to the plaintiff, and defendant demanded that I terminate the discovery and submit a final report to the Court, that certain problems regarding discovery will still remain for the trial Court to be concerned with.

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At the present time I am not inclined to make a recommendation on sanctions as requested by the plaintiff for the reason that the documents contained in the Computerized Wire Service, Int., which I dealt with in my September decision, have been produced.

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I feel that were such documents produced as requested in that decision, I would be in a position now to determine whether or not the documents available to the plaintiff were withheld from it.

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This, of course, would have some bearing on the plaintiff's application for sanctions. It could also have some bearing on the plaintiff's motion to be reimbursed for what it refers to as unnecessary expense in the conduct of its discovery.

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Before proceeding further with my remarks

1
2 for the record, I would like to inquire of the
3 plaintiff's counsel, Mr. Harris and Mr. Foley, whether
4 or not they intend to press those motions before the
5 trial Court or whether or not they intend to waive
6 such demands and merely proceed to trial on the basis
7 of the discovery obtained thus far.

8 Off the record.

9 (Discussion off the record.)

10 MR. HARRIS: Applications are being prepared
11 in this instant, now, and are pending now before the
12 Special Master here and will be asserted before what-
13 ever judges of cognizance of this matter up to and
14 including the date of trial.

15 We have requested for some time, and are
16 requesting a report from the Special Master and the
17 approving of this matter in accordance with the rules
18 obtaining in the Southern District and if we go to
19 trial we will go to trial on what we have now.

20 MR. FOLEY: I would like to add just one
21 clarification and that is that in going to trial now,
22 if we go to trial without further discovery, we do
23 so because we do not have the resources available
24 for this case to fight further.

25 That is not to be construed as any kind of

1
2 a waiver on our part of our rights to compliance with
3 an order for rule 34 production of documents which
4 was entered pursuant to rule 37 in this proceeding,
5 and to which we consented, and to this day has not
6 been fully, literally, complied with.

7 We do not waive any rights whatsoever with
8 respect to that. If we have to go now to trial
9 because we can't get everything, we can do nothing about
10 it, but we don't agree to it nor consent to it.

11 THE SPECIAL MASTER: The position taken
12 by counsel for the plaintiff, I understand. I have
13 reviewed the Court's order appointing me as Special
14 Master, and I feel that every effort should be made to
15 assist the Court in bringing this discovery to an
16 orderly conclusion.

17 Thus far that objective has eluded me.

18 In order to write a final report and bring
19 the discovery to an orderly conclusion, I intend to
20 submit a supplemental decision to my September
21 decision ordering the defendant to submit documents
22 to me from the Computerized Wire Service, Int., and
23 since the plaintiff would not select the twenty
24 dates referred to in my decision, I intend to select
25 two thirty-day periods which I feel will cover the

1
2 most significant dates in this litigation.

3 • I have all of the exhibits which were made
4 a part of the papers and were supplied to me by
5 defense counsel. I intend that the expense of search-
6 ing and selecting documents in response to the rule
7 34 motion will be born by the defendant.

8 I intend to give the defendant sufficient
9 time to comply with this order. I see no expense
10 involved to the plaintiff at the present time, so
11 that its argument of lack of resources fades.

12 When these documents are produced, I will
13 examine them and turn them over to the plaintiff.
14 In so doing, also I will have the benefit of further
15 information to dispose of the plaintiff's request
16 for sanctions.

17 I would like to hear from the counsel for
18 the defendant with respect to my proposed supplemental
19 decision.

20 MR. McALLISTER: Defendant counsel objects
21 vitally to the decision of the Special Master and
22 would like to note on the record at this time the
23 following facts:

24 In this matter over \$435 have been expended
25 by defense counsel in defending this action primarily

1 in the discovery area., at an approximate cost of
2
3 \$60 an hour.

4 Defendant has already produced for plaintiff's
5 counsel three sets of interrogatories, answers to
6 interrogatories. It also produced approximately 135
7 bound volumes of defendant's correspondence; documents
8 from this defendant included over 500 documents, copies
9 of which have been delivered to the plaintiff's
10 counsel.

11 Moreover, defendant has produced eight officers
12 and employees for depositions which were taken on
13 January 11, 14; February 8; March 14, 16, 22, 28, 29
14 and 30; April 10, 17; and June 9 and 13, 1972.

15 It is recognized by all, including the
16 Special Master, that all of \$33,000 is sought in
17 this action in two causes of action and \$50,000 in
18 the third cause of action.

19 Defendant has made this good-faith attempt
20 to comply in all respects with all demands made upon
21 it whether by Court order or by normal discovery
22 procedure. It feels that a reasonable effort under
23 all circumstances has been made to comply with
24 plaintiff's demands. At this time the Special Master
25 is asking defendant to undertake sixty-day search of

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2 Computerized Wire Service, Int., for documents of
3 which there is no credible evidence at this time
4 that such documents exist.

5 Moreover that sixty-day search will require
6 approximately 90 man-days to complete. I have not
7 yet figured out the cost to Harris, Upham & Co., Inc.,
8 defendant in this matter, but it is substantial. And
9 asking Harris, Upham to spend this money at this time
10 when plaintiff has defaulted in the outstanding order
11 of Judge MacMahon dated November 17, 1972, requiring
12 plaintiff to merely choose twenty dates, is in my
13 mind an unreasonable demand upon defendant.

14 There is no reason why plaintiff cannot
15 choose twenty dates. It has chosen not to do so.
16 The red herring argument that it is without funds at
17 this time is ludicrous in light of the expense that
18 has been incurred by defendant and apparently paid.

19 They have chosen not to comply with Judge
20 MacMahon's order; there is no reason why defendant
21 should be penalized for plaintiff's default. If
22 plaintiff has chosen a course of conduct avoiding a
23 release given to it by the Court, there is no reason
24 why the Court should then impose, in effect, penalties
25 upon defendant at this time.

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One further point: Special Master stated on the record that he received in writing a request from plaintiff's counsel requesting that a final record be submitted. To my knowledge defendant counsel never received such a letter and I would be grateful if I may see it.

When I wrote the Special Master asking that the final report be submitted in light of the plaintiff's failure to comply with Judge MacMahon's order, a copy was sent to plaintiff's counsel.

THE SPECIAL MASTER: Can we go off the record for a moment?

MR. McALLISTER: Surely.

(Discussion off the record.)

MR. McALLISTER: It has been drawn to my attention that the writing referred to by the Special Master concerning requests for final report to be submitted by him was a writing submitted to the Court by plaintiff in connection with the proposed order and counter-order back in November, 1972, and I received copies of those documents.

THE SPECIAL MASTER: Are there any other comments that counsel for either of the parties would like to make before we conclude?

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MR. FOLEY: I would like to make one short statement. Mr. McAllister has just put a statement on the record, the latter part of which is a repetition of arguments contained in documents he has filed in this matter before, and we have responded to them adequately in our responding documents to him to those documents from which he was reading now.

The difficulty with this parade of invention that the defendant trots out about how much work and effort they have put into this case is that to date their entire premise has been charitably described as chaotic.

The decision is not our responsibility; if they had to run an enormous expense simply because in response to rule 34 request they were unable to produce documents in six or seven different attempts, it is not our fault. If they expended three times --

THE SPECIAL MASTER: Before you go further, it is not my purpose to make a record here of the two of you restating arguments that you made on previous occasions. I am merely trying to set straight for the record what the posture of this case is and what efforts are being made to resolve it.

MR. FOLEY: I would like the record, then,

Transcript of Hearing before John Galgay
January 31, 1973

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2 to show this: We in no way accept the argument that
3 Mr. McAllister has just given and we are thoroughly
4 prepared at any time to counter it and I will leave
5 it at that. To the extent that what he has said is
6 argumentative, I just can't let the record stand that
7 way.

8 THE SPECIAL MASTER: Let's terminate the
9 record now, and as I stated before, I don't intend to
10 submit any charges for time that was spent from the
11 date of our conference with Judge MacMahon through
12 that period when negotiations were being pursued.

13 MR. FOLEY: May I make one, or a very brief
14 point, and that is with respect to the argument of
15 lack of resources. The one thing is this; I have
16 a problem in my mind to know what use any procedure
17 is, whatsoever, if documents are obtained and we
18 don't participate by looking at them, spending time
19 reviewing them, and everything else.

20 And one of the sad things, facts of life,
21 in the practice of law is that lawyers have to get
22 paid for their time. I am sure all of us have had
23 painful experiences in our careers that justify
24 agreement on that.

25 But if the resources are not here to go on

1 with the case, I just don't know where they are going
2 to be coming from. It is the type of corporation to
3 which as an attorney applies and I would like to be
4 able to give. The resources are probably still here,
5 but the record shouldn't be without some recognition
6 somewhere that this problem is still one that we have
7 to deal with.
8

9 THE SPECIAL MASTER: I am mindful of that
10 in making my suggestion that counsel for the plaintiff
11 move for an in forma pauperis relief.

12 Let's terminate this record.

13 (Time noted, 11:40 a.m.)
14
15

John J. Galgay

SPECIAL MASTER GALGAY'S SUPPLEMENTAL DECISION DATED
FEBRUARY 23, 1973

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,

Plaintiff,

69 CIV. 3312

-against-

HARRIS, UPHAM & COMPANY (INCORPORATED),

Defendant.

-----X

SPECIAL MASTER'S SUPPLEMENTAL DECISION

On September 22, 1972, I filed a Special Master's Decision which dealt with "the Plaintiff's Second Memorandum Respecting Defendant's Deficient Document Production". My decision required the defendant to produce additional documents in response to plaintiff's Rule 34 Motion.* The plaintiff was required to select 20 dates, which the defendant's search for documents would cover. The plaintiff complained, in writing and orally, that he should not be forced to make such a selection of dates stating that if he selected the wrong dates and no relevant documents were produced, that would somehow injure his cause and that the financial burden of pursuing discovery under these circumstances was too great for plaintiff to bear. The plaintiff then took the position that the Special Master ought to file his final report and act on any outstanding motions.

Thereafter, the parties and the Special Master appeared before Judge MacMahon on November 16, 1972 and the posture of the case was reported

* Plaintiff's motion, rather than a demand, was made prior to the change of Rules in this regard and was consented to by the defendant before Judge Gurfeins.

*Special Master Galgay's Supplemental Decision Dated
February 23, 1973*

to him. After a hearing, the Court directed the parties to explore the possibility of a settlement with the assistance of the Special Master. There have been numerous conferences with the parties, in person and telephonically in this regard.** While some progress toward a settlement was made, the parties could not resolve the problem and settlement talks have been terminated. On January 3rd, 1973, the defendant wrote to the Special Master stating that settlement was impossible and requesting that the Special Master file a final report in accordance with the terms of Judge MacMahon's original order appointing a Special Master on the consent of both parties. This is the same position that the plaintiff had taken prior to our appearance before Judge MacMahon.

This case is presently in a most awkward posture. The plaintiff has complained throughout that the defendant has deliberately thwarted his attempts to obtain a full discovery to which he is entitled. It is the plaintiff's request that sanctions be recommended for this behavior. He has also asked the Special Master to recommend that the defendant's answer be stricken.

The defendant was willing to comply with the Special Master's September 22nd decision but the plaintiff failed to furnish the 20 dates called for therein. As stated above, now both parties say that the Special Master should file his final report and that they will then proceed to trial.

Were I to follow the parties' recommendations, I do not feel that I would have performed my duties as a Special Master, namely to relieve

** The parties were advised prior to November 16, 1972, and since then by the Special Master that the time involved in these settlement negotiations would not be charged to the parties.

*Special Master Galgay's Supplemental Decision Dated
February 23, 1973*

the Court of the problem of completing discovery. It seems to me that all these problems involving discovery and sanctions would again be raised before the Trial Judge. Indeed, plaintiff's counsel stated at a hearing before the Special Master on January 31, 1973, that he would renew the motion before the Trial Judge. To eliminate that possibility, I am determined to compel the completion of discovery in an orderly manner, if it is at all possible, and to rule on all pending motions before me.

There has been indication that the defendant may not have been as diligent in its original search for the documents called for by plaintiff's Rule 34 Motion as it could have been. That indication rests principally on its failure to discover the existence of possibly relevant documents contained in the Computerized Wire Service Unit until March of 1972. If that source of documents contains evidence or leads to evidence to support plaintiff's claim, it seems to me that it would add some weight to plaintiff's argument that the defendant had been deficient in the production of documents called for and that grounds for recommendation of sanctions be seriously considered. In considering sanctions, then it would be appropriate to determine whether the failure to produce was through inadvertance, negligence or otherwise. It was for that reason the Order of September 22, 1972 directed limited production of relevant documents from that source.

On the other hand, the plaintiff was asked to select 20 dates for which documents would be produced and it has refused to do so as related above. The defendant has already argued and probably will again that plaintiff's refusal should be sufficient reason to terminate the Special Master's duties and let the case proceed to trial.

*Special Master Galgay's Supplemental Decision Dated
February 23, 1973*

I am not satisfied that a decision can be reached on the plaintiff's claims of deficiency of document production on the part of the defendant and moreover, its request for sanctions, until this identified source of documents, (Computerized Wire Service Unit) has been examined. Obviously, the plaintiff's refusal to select the dates for production by the defendants of documents from that source will have an effect on its request for sanctions. The decision I have reached should not be considered as approbation of the plaintiff's action, but rather as an attempt to resolve the discovery problems in this matter in accordance with the original appointing order of Judge MacMahon and to obviate the need for further discovery after completion of the Special Master's duties.

Therefore, I now Order the defendant to produce the documents called for in the plaintiff's Rule 34 Motion from that source previously referred to as the Computerized Wire Service Units for the following dates: December 17, 18, 19, 20, 23 and 24, 1968; January 3, 6, 7, 13, 14, 15, 16, 21, 23, 24, 27 thru and including 31, 1969; February 3 thru and including 7, 10 thru and including 14, 17 thru and including 21, and 24 thru and including 28, 1969; March 3 thru and including 7, 20, 21 and 24 thru and including 27, 1969; and April 7 thru and including 11, 1969. The expense of search and production of these documents is to be borne by the defendant and the documents are to be produced to the plaintiff within 60 days of this Decision.

Should the search produce documents relevant under the Rule 34 Motion, I reserve the right to require the defendant to produce additional

A 242

*Special Master Galgay's Supplemental Decision Dated
February 23, 1973*

documents for additional time periods. When that discovery of that source is completed, I will then rule on the requests for the recommendation of sanctions and any other motions outstanding.

Dated: New York, New York
February 23, 1973

S

JOHN J. GALGAY,
Special Master

SPECIAL MASTER GALGAY'S FINAL REPORT AND
RECOMMENDATIONS DATED JUNE 25, 1973

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD FISHER,

Plaintiff,

SPECIAL MASTER'S
FINAL REPORT AND
RECOMMENDATIONS

-against-

HARRIS, UPHAM & COMPANY (INCORPORATED), 69 CIV. 3312

Defendant.

-----X

The Honorable Lloyd F. MacMahon, United States District Judge for the Southern District of New York appointed me as Special Master in the above captioned litigation of February 18, 1972. The order authorized me to supervise all discovery and report to the Court when such discovery was completed. Depositions have been conducted by the plaintiff of defendant's officials on at least a dozen days. Hearings were held on various motions involving the production of documents as well as defendant's application for travel expenses and counsel fees for depositions taken in Miami, Florida.

Prior to my appointment, Special Master Jacobs summarized the allegations of the complaint and the defendant's position with respect thereto and I adopt his description which reads as follows:

"Briefly stated, the complaint alleges: Defendant, a broker-dealer, represented that it abided by the rules of the New York Stock Exchange and National Association of Securities Dealers. These provide that if a broker cannot secure delivery of the securities purchased, it will buy them and charge the seller. On October 21, 1968 plaintiff ordered the pur-

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

chase of 5,000 shares of Bartco Industries, Inc., traded in over-the-counter, for \$32,999.25. Defendant represented that it would and could secure delivery but the representation was false in that defendant had not purchased from a seller who could make delivery by October 28, 1968 and defendant knew it would not demand delivery within the time limited since any demand would jeopardize its position vis-a-vis other dealers. The conduct was a manipulative device in violation of §10(b) of the Securities Exchange Act of 1934. At various times prior to February 16, 1969, plaintiff requested delivery of the securities but defendant failed to deliver them and plaintiff cancelled the transaction on February 16, 1969. Between November 1, 1968 and February 14, 1969 the stock could have been sold at a price in excess of the purchase price. Damages and exemplary damages are sought.

Plaintiff relies on Release, dated August 2, 1968; No. 8363 of the Securities and Exchange Commission (33 Federal Register 11,150) (plaintiff's memo. p.8), which states that it is a violation of the anti-fraud provisions for a broker to buy as agent "if the broker-dealer has reason to believe that he will not be able to deliver the security to the customer promptly": that it impliedly represents the "transaction will be consummated promptly;; and that it is inconsistent with the applicable requirements to purchase the security "if the broker-dealer knows, or has reason to believe, that it is difficult to obtain delivery with respect to a particular security because of delays in transfer or because in order to obtain the security, -- it will be necessary to purchase the security from another broker-dealer whose deliveries to him have not been prompt in accordance with traditional customs and usage of the trade."

Defendant's position is that the securities were held by it in "street name"; that plaintiff did not request delivery; and that plaintiff has wrongfully sought to foist his speculative losses upon the defendant.

The areas of discovery include, among others, the circumstances of the purchase of the stock by defendant; if and why it failed "to buy in" the securities; whether its relation with the selling

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

brokers was such that it did not demand the security; and what demands were made by plaintiff for the securities".

The course of these discovery proceedings prior to my appointment and thereafter have been stormy indeed. Magistrate Jacobs, in ruling on the plaintiff's claim on the inadequacy of certain answers to interrogatories made by the defendant, found some of such answers to have been made in an "over-technical and disingenuous manner... and inexcusable... and precludes finding that the defendant's opposition was substantially justified." Magistrate Jacobs recommended that sanctions be imposed against the defendant in the amount of \$250 and the Honorable Marvin Frankel, Judge of the United States District Court, imposed the same.

During the many depositions supervised by me the plaintiff's counsel regularly demanded that the defendant's production of documents under the plaintiff's rule 34 motion filed on September 9, 1971, consented to and so ordered by Hon. Gurfein, District Judge of the Southern District Court, were inadequate, that documents were being deliberately withheld to frustrate the plaintiff's attempt to complete this discovery in an orderly manner and was part of a plan to drive the plaintiff to the wall. At such arguments I interrogated defendant's counsel as to the nature of the search it had made for the documents. This questioning was prompted by the piecemeal production that was made by the defendant on at least six or seven occasions during those hearings. Defendant's counsel stated that the staff used by the

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

defendant to search its records were, for the most part, high school graduates not trained nor knowledgeable in the security brokerage field. However, he argued that the defendant had searched its records three times and each time it did come up with additional documents and that he said accounted for the piecemeal production. Also he argued it was evidence of the defendant's good faith in trying to comply with the demand of the defendant's rule 34 motion.

During one of these hearings, it was disclosed that the defendant for the first time discovered the existence of a source of documents called the Computerized Wire Service Unit. This is a print out of all telex messages passing between the defendant's headquarters and its seventy-two offices located throughout the country. This discovery was made on March 28, 1972. At subsequent hearings the defendant complained that this source would only duplicate documents it had produced in the original form. On September 22, 1972 I filed a decision commenting on the status of matters up to that point and, not being satisfied that all sources of documents called for by the plaintiff had been searched, ordered the defendant to conduct a search of the Computerized Wire Service Unit for twenty dates to be supplied by the plaintiff. The plaintiff refused to supply those dates claiming that he should not be forced to gamble on selecting the right ones and argued further that there was sufficient evidence already in the record to order that sanctions be imposed against the defendant

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

for non-compliance with the Federal Rules of Civil Procedure and that the defendant's answer be ordered stricken.

The selection of twenty dates asked of the plaintiff was not intended to limit the search to that period because I specifically reserved the right to order the entire source (Computerized Wire Service Unit) to be searched and relevant documents produced if I felt it warranted by the result of the more limited search and production.

Between November 1972 and February 23, 1973 serious effort was made to negotiate a settlement of this litigation. It was at the suggestion of the Court in November 1972 that I, as Special Master, brought the parties together and tried to arrive at a just solution. These efforts failed sometime in January 1973.

Despite plaintiff's refusal to cooperate, in order to move this matter along, I filed a Supplemental Decision on February 23, 1973 in which I selected roughly sixty dates and ordered the defendant to search this unexamined source and produce documents pursuant to the rule 34 motion within a prescribed period. The defendant did so and furnished those documents to the plaintiff's counsel who, after review, in turn, furnished them to me. The documents produced consisted of one hundred and thirty-odd print out pages, each page containing at least one telex message relating to Bartep stock, the subject matter of this litigation. I compared those messages with exhibits that had been introduced by the plaintiff in the course of the many

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

depositions supervised by me. I found that twenty-three of those messages had been produced at a prior time, for the most part in different form, i.e., either original or copies of messages. Because I had concern that other messages may have been produced by the defendant and not introduced as exhibits, I requested the plaintiff's counsel, in writing, to identify for me those messages among the one hundred and thirty-odd that he was seeing for the first time. I also asked him to furnish a brief comment on the significance of those messages being seen for the first time and what possible effect their absence had on his discovery program. The plaintiff's counsel, I. Alan Harris, responded in an abrasive fashion in substance saying that he would not identify those messages nor would he furnish any speculation as to the potential significance of those messages. He went on to repeat arguments previously made that the additional messages merely proved that the defendant was guilty of conduct violative of the Federal Rules governing discovery and that his discovery efforts have been totally destroyed in its effectiveness and resulting in the absolute wasting of almost \$20,000. I assume he referred to his fees, transcripts, the cost of my service as Special Master, travel, etc.

I am convinced that the defendant violated the letter as well as the spirit of the Federal Rules of Civil Procedure governing discovery. Magistrate Jacobs and Judge Frankel thought similarly when the sanction of \$250 was imposed against the defendant. The manner of piecemeal production made by

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

defendant's counsel during the course of depositions and hearings persuade me that their original search was not as diligent as that required by the Rules. The defendant's discovery of the Computerized Wire Service Unit on March 28, 1972, over four years after the filing of the complaint and approximately two years after the filing of the rule 34 motion cast real doubt on the adequacy of its search.

Recommendations

Pending before me is a motion by the plaintiff to strike the defendant's answer because of its derelictions in the discovery procedure and its obstructive behavior preventing plaintiff from completing its discovery program. I think this is too drastic a remedy to impose at this time and hence recommend that such motion be denied.

There is also pending before me a defendant's motion that it be awarded cost and counsel fees for the expenses incurred in the taking of depositions of defendant's officials in Miami, Florida. I recommend that this matter be postponed until costs are assessed at the conclusion of this litigation and that the losing party be required to pay these costs. Finally, I have before me cross motions for sanctions because of the behavior of the parties during the discovery procedure.

There remains the problem of reporting to the Court that discovery in this matter has been completed. I don't feel that I am in a position to so certify until one further step is taken. The fact that the defendant's most recent search of

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

Computerized Wire Service Unit produced additional documents for the first time, the identification and number of which I cannot state, leads me to believe that there are other documents contained in the same source relating to this litigation which have not been discovered or produced. It is my recommendation that the defendant be ordered to search this source for the entire period covered by the rule 34 motion which I understand to be from October 1, 1968 through August 31, 1969. This is an eleven month period, five of which have already been searched. If the Court should order the search to be completed, I recommend it be done within ninety days. During proceedings before me defendant's counsel was willing to certify that it had produced all the documents called for by the rule 34 motion except for those possibly contained in the Computer Wire Service Unit. I call upon the defendant to now so certify if it can. Once this last search is completed, the Court could be satisfied that the documentary end of the discovery is complete. If significant documents are produced that plaintiff feels require further depositions, then that request must be passed on by the Court.

With respect to sanctions, were it not for the uncooperative attitude of plaintiff's counsel, I. Alan Harris, as evidenced in Exhibit A, an exchange of correspondence between Special Master and Harris, I feel substantial sanctions are warranted against the defendant in light of:

- a) the previous sanction imposed by Judge Frankel,

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

b) the piecemeal production during my tenure as Special Master,

c) the lack of diligence in discovering the Computer Wire Service Unit as a source of documents responsive to plaintiff's rule 34 motion,

d) the most recent search produced some additional documents and that more documents called for by plaintiff's rule 34 motion have not yet been produced.

However, since I am unable to determine whether (b), (c) or (d) materially affect the plaintiff's case because of plaintiff counsel's attitude, I feel that sanctions against defendant be modified. I am mindful that the total damages if plaintiff prevailed could be as low as \$32,000 plus interest and the plaintiff's expense of discovery has been substantial. I recommend that sanctions in the amount of \$5,000 be imposed against the defendant for its derelictions.

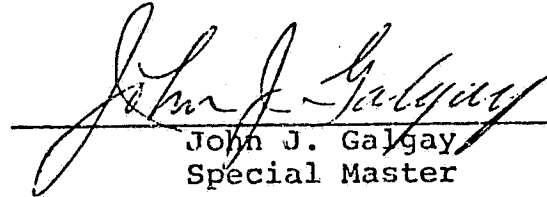
Finally, there is attached as Exhibit B a Stipulation regarding my compensation as of March 30, 1973 which the defendant counsel signed but plaintiff's counsel returned unsigned with his letter which is attached as Exhibit C.

The resolution of this problem is up to the Court in accordance with the terms of its order appointing me as Special Master. I do not intend to submit any further application for compensation since the above date.

I regret that I am unable to finally conclude the dis-

*Special Master Galgay's Final Report and
Recommendations Dated June 25, 1973*

covery in this litigation in an orderly manner as Special Master. However, because of other duties I am soon to assume it becomes impossible for me to do so.



John J. Galgay
Special Master

Dated: New York, New York
June 25, 1973

EXHIBIT A--EXCHANGE OF CORRESPONDENCE BETWEEN
SPECIAL MASTER AND HARRIS ANNEXED
TO SPECIAL MASTER'S FINAL REPORT

BLACKMAN LEFRANK GALGAY MYERSON & FELD

ATTORNEYS AT LAW

JOSEPH S. LEFRANK
ROBERT I. BLACKMAN
JOHN J. GALGAY
DAVID J. MYERSON
LLOYD D. FELD

424 MADISON AVENUE, NEW YORK, N. Y. 10017
CABLE: BLACKLEF, N. Y.
TELEPHONE (212) 421-7633

Mr. I. Alan Harris
Livingston, Livingston & Harris
292 Madison Avenue
New York, New York 10017

May 31, 1973

Dear Mr. Harris:

This will acknowledge receipt of your letter of May 7, 1973 together with the documents produced as a result of the search directed by my recent Special Master's order.

I have examined the enclosed documents and compared the Bar-Tep items appearing thereon with exhibits previously marked in depositions as plaintiff's exhibits for identification submitted to me by defendant's counsel.

I recognize that there appear to be some one hundred and thirty-odd messages now produced as a result of the defendant's most recent search at least twenty-three of which contained messages which were among the exhibits previously marked. I am concerned whether the other messages may have been previously produced by the defendants in some other form or whether they are being produced for the first time.

I request that you advise me promptly and not later than June 6 which documents among the one hundred and thirty-odd produced by the defendant as of April 30, 1973 have never been produced before and I would like a brief comment from you as to the potential significance of those documents which are now being produced for the first time, and the extent to which your client's prior discovery was affected by the absence of those documents.

Very truly yours,

John J. Galgay

JJG:ab

cc: Charles L. Trowbridge, Esq.
Dermot Foley, Esq.

Exhibit A Annexed to Special Master's Final Report

LAW OFFICES

LIVINGSTON, LIVINGSTON & HARRIS

292 MADISON AVENUE

NEW YORK, N. Y. 10017

TELEPHONE (212) 889-3633

CABLE LIVINGSLAW

150 S.E. SECOND AVENUE

MIAMI, FLORIDA 33131

(305) 373-7401

(I. ALAN HARRIS, FLA. BAR)

June 8, 1973

John J. Galgay, Esq.
424 Madison Avenue
New York, New York 10017

Re: Fisher v. Harris, Upham & Co.,
Incorporated
69 Civ 3312

Dear Mr. Galgay:

We are in receipt of your communication of May 31, 1973.

Nothing that the defendant is now doing in its consistently outrageous, contemptuous and cavalier manner (and then only after and pursuant to your orders), nothing that it has done or omitted to do in the past, and nothing that the plaintiff or his attorneys have repeatedly said and demonstrated, ad nauseam, seem to make much difference. The defendant's conduct has been proven, over and over again, to be as flagrant as imaginable in its disregard of the applicable rules of practice and of the rights of the plaintiff as a litigant, and yet repeated requests are made for further details and argument as to how or why, or in what respect, the plaintiff has been prejudiced.

Referring only to messages (without even concerning oneself with other documents and records, the "hard copies" of the defendant's acts required to be maintained by law), our review of the matter seems to correspond with yours that perhaps not much more than 23 messages were among the exhibits previously marked. Give the defendant the benefit of the doubt. The plaintiff will concede that 33, and maybe 43, and maybe even 53, messages out of the 130-odd, were previously marked or otherwise produced. Therefore, the balance were not previously marked nor previously produced in some other form. Imagine, 80 to 100 missing messages, merely over a period of 60 random days chosen by you, kept from the plaintiff's attorneys.

We respectfully submit that we are in no position at this time, nor under all of the circumstances should it be required of us, to furnish any speculation as to the potential significance of such

LIVINGSTON, LIVINGSTON & HARRIS

June 8, 1973

Page #2

messages, spread through the 132 pages of poorly-photocopies computer print-out in your possession. The plaintiff's prior discovery efforts can be held to have been totally destroyed in its effectiveness, resulting in the absolute wasting of almost \$20,000 of expenses, by the failure of the defendant to comply with the Rules and the orders of this Court.

We repeat and reiterate everything that was said in our letter of May 7, 1973; and we beseech your action as heretofore requested and required in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "I. Alan Harris", written in dark ink.

I. ALAN HARRIS

IAH :ML

cc Charles L. Trowbridge, Esq.
Dermot G. Foley, Esq.

Exhibit A Annexed to Special Master's Final Report

LAW OFFICES

LIVINGSTON, LIVINGSTON & HARRIS

292 MADISON AVENUE

NEW YORK, N. Y. 10017

TELEPHONE (212) 889-3633
CABLE LIVINGSLAW

150 S. E. SECOND AVENUE
MIAMI, FLORIDA 33131
(305) 373-7401

(I. ALAN HARRIS, FLA. BAR)

May 7, 1973

John J. Galgay, Esq.
Blackman, Lefrak, Galgay,
Myerson & Feld, Esqs.
424 Madison Avenue
New York, New York 10017

RE: Fisher v. Harris, Upham & Co., Incorporated
69 Civ 3312

Dear Mr. Galgay:

We note that you received a copy of the transmittal letter, dated 4/30/73, of defendant's counsel in this matter enclosing "copies of the documents produced as a result of the search (of only sixty days) which the defendant was directed to make." We are transmitting to you the 132(!) pages of computer printout(!) which was sent to us, apparently without any review, analysis, separation from completely irrelevant material, nor satisfying the other requirements of your order.

We were always positive that, at the very least, there were a significant number of missing messages (in addition to many missing other documents and other records) which the defendant was negligent, or worse, in searching for, inquiring about, or producing. The present production of this limited search is simply staggering; and its significance confirms the position of the plaintiff taken last summer and adhered to since then.

The time for you and the Court to stop temporizing is now. If, after allegedly searching its records at least three times and producing new messages or documents on at least seven occasions, the defendant now concedes that there is additional evidence contained within these 132 poorly-photocopied pages of computer printout (submitted in bulk in the manner in which it has done), the pending application of the plaintiff for substantial sanctions or a striking of the answer should be granted.

Whether or not it is decided that a further and complete

Exhibit A Annexed to Special Master's Final Report

LIVINGSTON, LIVINGSTON & HARRIS

John J. Galgay, Esq.

May 7, 1973
Page Two

search of the wire unit should be made by the defendant, the plaintiff's oral examinations of the defendant's personnel were hindered and grossly prejudiced by the missing messages, justifying reimbursement to the plaintiff for all of its substantial expenses by way of sanctions, so that he may be made whole and decide whether to have them conducted de novo. The defendant has frustrated the orderly progress in this action by its flagrant and repeated acts and omissions to act in re the discovery rules and the orders of this Court respecting document production. The time has arrived to recognize that sanctions, in a substantial amount, must be assessed without further delay.

In trying to prosecute an action to recover some \$50,000, the plaintiff, an individual, has been compelled to incur almost \$20,000 in expenses, almost all of which has been incurred by reason of defendant's consistent violation of orders and rules. The granting of the nominal sanctions by Judge Frankel with respect to the interrogatories failed to impress the defendant. Even a cursory review of this matter reflects that the amended answers to the interrogatories were, in fact, incomplete, inaccurate, non-responsive and subject to most of the vices which infected the prior answers.

To put it as simply as possible, the defendant just doesn't give a damn; and has not in the past, nor does it now intend, thoroughly to dig out neither the facts, the records, nor the evidence, to which the plaintiff is entitled. The defendant is only interested in going into Court and maintaining that the plaintiff is a "cry baby" and should take his own "speculative" losses, regardless of the acts or omissions to act of the defendant, regardless of its egregious and flagrant disregard of its fiduciary relationship (yes, "fiduciary") to the plaintiff, and regardless of its obligations of its obligations as a member of the "club" and as a broker subject to the S.E.C. and the NASD.

In response to the completely unwarranted "aggrieved" tone of the transmittal letter, we note that all of the problems in this case have been created solely by the defendant's cavalier and indefensible disregard of its duties respecting discovery. Had it performed its duties and obligations in a reasonably prompt,

Exhibit A Annexed to Special Master's Final Report

LIVINGSTON, LIVINGSTON & HARRIS

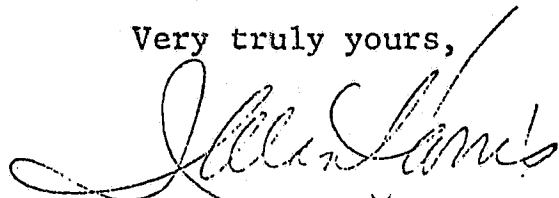
John J. Galgay, Esq.

May 7, 1973
Page Three

proper and proficient manner, not only would its expenses have been minimized, but the plaintiff's costs and expenses would have been kept to a reasonable amount also. Not having done so, the defendant cannot now be heard to complain, nor can it, under any circumstances, be entitled to recover its self-induced expenses. The defendant is insolent to a fault.

The plaintiff's application for sanctions and other relief is hereby renewed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "I. Alan Harris", written in dark ink.

I. ALAN HARRIS

IAH/gf

cc.: Charles L. Trowbridge, Esq.

EXHIBIT B--STIPULATION DATED MARCH 30, 1973 ANNEXED
TO SPECIAL MASTER'S FINAL REPORT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO., INCORPORATED

Defendant.

STIPULATION

69 CIV. 3312

IT IS HEREBY STIPULATED among counsel for plaintiff
HAROLD FISHER, LIVINGSTON, LIVINGSTON & HARRIS and KAPLAN,
KILSHEIMER & FOLEY, and counsel for defendant HARRIS, UPHAM & CO.,
INCORPORATED, GIFFORD WOODY CARTER & HAYS, and the SPECIAL MASTER,
JOHN J. GALGAY, that interim compensation be allowed the SPECIAL
MASTER for his services covering the period August 1, 1972 to
date in the amount of \$3,412.50. The details of the SPECIAL
MASTER's services are set forth in Exhibit "A" attached hereto.
Disbursements: Cost of transcript of hearing 1/31/73: \$50.40

Dated: New York, New York
March 30, 1973

LIVINGSTON, LIVINGSTON & HARRIS
COUNSEL FOR PLAINTIFF

KAPLAN, KILSHEIMER & FOLEY
COUNSEL FOR PLAINTIFF

GIFFORD WOODY CARTER & HAYS
COUNSEL FOR DEFENDANT

JOHN J. GALGAY, SPECIAL MASTER

SO ORDERED:

U.S.D.J.

EXHIBIT A--DETAILS OF SPECIAL MASTER'S SERVICES
ANNEXED TO STIPULATION

EXHIBIT "A"

Following is a detailed description of the services performed by the SPECIAL MASTER and the dates thereof:

1. August 15, 1972 - two telephone conferences with MICHAEL McALLISTER of GIFFORD WOODY CARTER & HAYS amounting to 1/2 hour.
2. August 16 - telephone conferences with MICHAEL McALLISTER amounting to 1/2 hour.
3. August 21 - correspondence with I. ALLAN HARRIS, DERMOT FOLEY and MICHAEL McALLISTER enclosing STIPULATION re interrim fees so ordered by JUDGE MAC MAHON. Two telephone conversations with DERMOT FOLEY amounting to 1-1/4 hours.
4. August 23 - two telephone conferences with MICHAEL McALLISTER amounting to 1/2 hour.
5. August 31 - hearing from 2:00 to 4:00 p.m., present I. ALLAN HARRIS, DERMOT FOLEY and MICHAEL McALLISTER amounting to 2 hours.
6. September 6 - time spent examining exhibits, reviewing material in preparation of SPECIAL MASTER'S DECISION amounting to 3 hours.
7. September 7 - continuing work on documents and material for SPECIAL MASTER'S DECISION amounting to 2 hours.
8. September 8 - telephone conversation with DERMOT FOLEY. Additional time spent on SPECIAL MASTER'S DECISION amounting to 2-1/2 hours.
9. September 13 - two telephone conferences with

Exhibit A Annexed to Stipulation

MICHAEL McALLISTER. Additional time spent working on SPECIAL MASTER'S DECISION amounting to 2 hours.

10. September 14 - additional time spent working on SPECIAL MASTER'S DECISION amounting to 2 hours.

11. September 14 - additional time spent working on SPECIAL MASTER'S DECISION amounting to 4 hours.

12. September 19 - additional time spent working on SPECIAL MASTER'S DECISION amounting to 2 hours.

13. September 20 - telephone conference with MICHAEL McALLISTER. Additional time spent working on SPECIAL MASTER'S DECISION amounting to 2-1/2 hours.

14. September 21 - telephone conference with MICHAEL McALLISTER. Additional time spent working on SPECIAL MASTER'S DECISION amounting to 2-1/2 hours.

15. September 22 - finalized SPECIAL MASTER'S DECISION; sent to JOHN LIVINGSTON, CLERK, UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT of NEW YORK. Sent copy of report to MESSRS. HARRIS, FOLEY and McALLISTER amounting to 1 hour.

16. October 5 - two telephone conferences with DERMOT FOLEY amounting to 1/2 hour.

17. October 11 - two telephone conferences with DERMOT FOLEY and MICHAEL McALLISTER; dictated memorandum to be filed amounting to 1 hour.

18. October 12 - two telephone conferences with DERMOT FOLEY; two telephone conferences with MICHAEL McALLISTER amounting to 1 hour.

Exhibit A Annexed to Stipulation

19. October 13 - two telephone conferences with DERMOT FOLEY amounting to 1/2 hour.

20. October 25 - telephone conversation with DERMOT FOLEY; telephone conversation with MICHAEL McALLISTER amounting to 1/2 hour.

21. November 1 - two telephone conversations with MICHAEL McALLISTER amounting to 1/2 hour.

22. November 3 - time spent studying papers in connection with this matter amounting to 1 hour.

23. November 14 - two telephone conferences with I. ALLAN HARRIS, telephone conference with DERMOT FOLEY re Hearing before JUDGE MAC MAHON to be held on November 15. Spent time studying various papers in preparation for Hearing before JUDGE MAC MAHON amounting to 2-1/4 hours.

24. November 15 - continued review of papers. Telephone conference with I. ALLAN HARRIS, DERMOT FOLEY. Hearing before JUDGE MAC MAHON. Postponement of Hearing before JUDGE MAC MAHON until November 16 amounting to 2 hours.

25. November 16 - telephone conference with DERMOT FOLEY. Hearing before JUDGE MAC MAHON amounting to 3 hours.

26. November 21 - meeting at the offices of KAPLAN, KILSHEIMER and FOLEY, Channing Building. Present were MESSRS. FOLEY, HARRIS, counsel for the PLAINTIFF, and MR. MICHAEL McALLISTER, counsel for the DEFENDANT. Discussed possibilities of settlement amounting to 1-1/2 hours. (No charges being submitted for this time.)

Exhibit A Annexed to Stipulation

27. December 6 - meeting with JUDGE MAC MAHON amounting to 1 hour.
 28. December 7 - telephone conversations with MICHAEL McALLISTER and DERMOT FOLEY amounting to 1/2 hour. (No charges being submitted for this time.)
 29. December 11 - telephone conference with DERMOT FOLEY re settlement possibilities amounting to 1/2 hour. (No charges being submitted for this time.)
 30. December 12 - telephone conference with I. ALLAN HARRIS and MICHAEL McALLISTER. Conferences at my office amounting to 1-1/2 hours. (No charges being submitted for this time.)
 31. January 6, 1973 - dictated draft of supplemental decision amounting to 2 hours.
 32. January 8 - review of file. Revised draft of supplemental decision amounting to 2 hours.
 33. January 31 - hearing at this office 10:30 to noon. Court reporter took proceedings and transcript has been forwarded to all parties amounting to 1-1/2 hours. (No charges being submitted for this time.)
 34. February 12 - further revisions of supplemental decision and study of the file amounting to 1-1/2 hours.
 35. February 14 - final draft of supplemental decision amounting to 2 hours.
 36. February 23 - finalized supplemental decision.
- Filed at UNITED STATES CLERK'S OFFICE, UNITED STATES DISTRICT

Exhibit A Annexed to Stipulation

COURT, SOUTHERN DISTRICT. Mailed copy to parties and provided copy for JUDGE MAC MAHON amounting to 1 hour.

37. The total expenditure of time for which time is being charged to the above described services amounted to 45-1/2 hours.

A 265

EXHIBIT C--LETTER DATED APRIL 17, 1973 ANNEXED
TO SPECIAL MASTER'S FINAL REPORT

LAW OFFICES

LIVINGSTON, LIVINGSTON & HARRIS

292 MADISON AVENUE

NEW YORK, N. Y. 10017

TELEPHONE (212) 889-3633

CABLE LIVINGSLAW

150 S. E. SECOND AVENUE

MIAMI, FLORIDA 33131

(305) 373-7401

(I. ALAN HARRIS, FLA. BAR)

April 17, 1973

John J. Galgay, Esq.
Blackman, Lefrak, Galgay, Myerson
& Feld, Esqs.
424 Madison Avenue
New York, New York 10017

Re: Fisher v. Harris, Upham & Co.,
Incorporated
69 Civ 3312

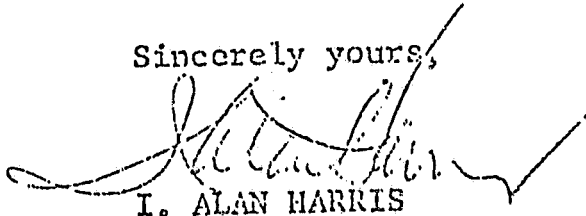
Dear Mr. Galgay:

This is to confirm our oral advice to you that your proposed stipulation dated March 30, 1973 cannot be signed by this firm as attorney for the plaintiff.

Without waiving any of our client's rights to object in detail to any attempt to burden him with additional expenses or fees since the early part of September, both on the law and on the facts, you are reminded that the refusal, the unwillingness and the inability of the plaintiff to continue the particular course of the discovery proceedings, was made a matter of record before you many, many months ago. In addition to the clarity with which the plaintiff's posture was made known, we personally understood and were led to believe that there would be no further expenses incurred by reason of your insistence upon remaining in this case.

We respectfully suggest that except for a possible few hours of time during the early part of the period in question, i.e., August and the first few days of September, 1972, the balance of the time spent cannot be compensated for.

Sincerely yours,



I. ALAN HARRIS

IAH:ML

A 266

PLAINTIFF'S NOTICE OF MOTION TO MODIFY AND CONFIRM
MASTER'S REPORT, ETC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAROLD FISHER,

69 Civ. 3312

Plaintiff,

-against-

NOTICE OF MOTION TO
MODIFY AND CONFIRM
MASTER'S REPORT, ETC.

HARRIS, UPHAM & CO. INCORPORATED,

Defendant.
-----X

S I R S :

PLEASE TAKE NOTICE that the undersigned will bring the attached motion to modify and confirm the Special Master's report dated June 25, 1973 and filed herein on June 26, 1973, and for an order imposing sanctions in the amount of \$15,000 and striking the defendant's answer and granting judgment to the plaintiff, on for a hearing before the Honorable Lloyd F. MacMahon, United States District Judge of the Southern District of New York at his Chambers in the United States Courthouse, Foley Square, New York, New York, on the 20th day of July, 1973 at 2:15 P.M.

Dated: New York, New York
July 6, 1973

Yours, etc.

LIVINGSTON, LIVINGSTON & HARRIS

By 

A Member of the Firm
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017
(212) 889-3633

A 267

*Plaintiff's Notice of Motion to Modify and Confirm
Master's Report, etc.*

TO: JOHN J. GALGAY, ESQ., Special Master
424 Madison Avenue
New York, New York 10017
(212) 421-7633

GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
One Wall Street
New York, New York 10005
(212) 344-0470

KAPLAN, KILSHEIMER & FOLEY, ESQS.
Of Counsel to Attorneys for Plaintiff
122 East 42nd Street
New York, New York 10017
(212) MU 7-1980

MOTION TO MODIFY AND CONFIRM MASTER'S REPORT, ETC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,

69 Civ. 3312

Plaintiff,

-against-

MOTION TO MODIFY AND
CONFIRM MASTER'S
REPORT, etc.

HARRIS, UPHAM & CO. INCORPORATED,

Defendant.

-----x

HAROLD FISHER, the plaintiff in the above case, moves this Court for an order modifying, and as modified, adopting and confirming the report of the Special Master dated June 25, 1973 and filed herein on the 26th day of June, 1973, imposing sanctions against the defendant in the amount of \$15,000, in lieu of the amount of only \$5,000 as recommended by the Master, and striking the defendant's answer and granting judgment to the plaintiff.

The Master correctly found and concluded that the defendant violated the letter as well as the spirit of the Federal Rules of Civil Procedure governing discovery (Master's report, p. 6, lines 4-6), and that "substantial sanctions are warranted against the defendant" (Master's report, p. 7, lines 26,27). The Master noted that the plaintiff's expense of discovery had been substantial (Master's report, p. 8, line 12), and that almost \$20,000 of plaintiff's expenses in discovery efforts had been wasted by the defendant's violative conduct (Master's report, bottom of p. 5 and top of p. 6) and obstructive behavior.

Motion to Modify and Confirm Master's Report, etc.

Even after allowing for a very substantial reduction and limitation in the expenses of attorneys' fees for plaintiff's counsel and attorneys, the plaintiff's out-of-pocket expenses to date for transcripts, master's fees, and travel, and for minimal attorneys' fees incurred (but not yet paid), amount to not less than \$20,000. Of said \$20,000, it is respectfully submitted that not less than \$15,000 thereof was wasted and incurred solely by reason of defendant's grossly improper conduct.

The attitude of the plaintiff's counsel, I. Alan Harris, was described erroneously by the Master. In any event, it is improper to reduce the "substantial sanctions" which are clearly and compellingly warranted to be awarded to the plaintiff against the defendant, and to recommend sanctions of only \$5,000, based upon the very fact that the plaintiff had reached the end of his rope and should not have been required to incur continuing substantial and outrageous expenses by reason of the defendant's conduct.

Plaintiff's attorneys had properly moved for substantial sanctions last summer. This Court's attention is respectfully directed to the affirmation of I. Alan Harris dated November 2, 1972, submitted in support of plaintiff's counter-order noticed for settlement on November 3, 1973, the facts set forth therein, and the exhibits attached thereto, all of which papers are made

Motion to Modify and Confirm Master's Report, etc.

a part hereof. Plaintiff's attorneys were eminently correct in their analysis and evaluation of this matter, and of the flagrantly contemptuous conduct of the defendant during the entire course of this discovery proceedings.

Having been proven right, it is grossly inequitable for the plaintiff to be "punished" by a reduction in the sanctions otherwise required to be imposed against the defendant. The tactics and conduct of the defendant occurred and took place over the entire course of the discovery proceedings, and can not be corrected by any current so-called search of a wire unit merely to keep producing almost-illegible print-outs which would, in turn, require enormous amounts of legal expenses to read, review, analyze and attempt to fit into the thousands of pages of testimony and hundreds of exhibits already in this case. Nor should the amount of the sanctions to be awarded to plaintiff be reduced by plaintiff's present inability to continue incurring enormous expenses along the lines suggested by the Master.

The Master was correct in his relevant findings and conclusion that substantial sanctions must be awarded against the defendant. However, the Master was incorrect, arbitrary, and in error in recommending a reduction to \$5,000 based upon his personal reaction that plaintiff's attorneys were not "cooperative" during February, May and June of this year, long after and having abso-

lutely nothing to do with the course of the violative conduct of the defendant.

Furthermore, the Master was arbitrary and in error in recommending that the relief requested in the plaintiff's motion to strike the defendant's answer be denied as being too drastic a remedy. The record herein, the proceedings before the Master, and the papers on file, reflect and record a wilfull, deliberate, contumacious and contemptuous course of conduct by the defendant, beyond the endurance and capacity of the plaintiff, and, it is respectfully submitted, beyond the willingness of this Court or any court to endure. This matter called for a firm resolve and stronger remedies, one year ago. Everything which has transpired since then, confirms that the answer of the defendant should be stricken and judgment granted to plaintiff also, rather than that the monetary sanctions to which plaintiff is also entitled should be reduced in some form of "punishment".

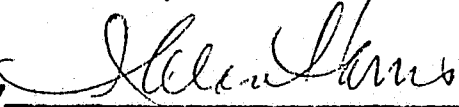
WHEREFORE, it is respectfully prayed that the Special Master's final report dated June 25, 1973 and filed herein on June 26, 1973, be modified to the extent of the imposition of sanctions against the defendant and in favor of the plaintiff in the amount of \$15,000, in lieu of the recommended \$5,000, and the striking of the defendant's answer, and as modified, that the

Motion to Modify and Confirm Master's Report, etc.

said report be adopted and confirmed and that an order to that effect and granting judgment to the plaintiff be entered herein.

Dated: New York, New York
July 6, 1973

LIVINGSTON, LIVINGSTON & HARRIS

By 

A Member of the Firm
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017
(212) 889-3633

A 273

DEFENDANT'S NOTICE OF MOTION TO VACATE AND STRIKE OUT
MASTER'S REPORT AND FOR A PROTECTIVE ORDER AND COSTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAROLD FISHER,

: 69 Civ. 3312

Plaintiff,

:

-against-

: NOTICE OF MOTION TO
VACATE AND STRIKE

HARRIS, UPHAM & CO. INCORPORATED,

: OUT MASTER'S REPORT
AND FOR A PROTECTIVE

Defendant.

: ORDER AND COSTS
-----X

S I R S:

PLEASE TAKE NOTICE that upon the annexed affidavits of CHARLES L. TROWBRIDGE and MICHAEL J. McALLISTER, sworn to July 25, 1973, and the papers and proceedings heretofore had herein, the undersigned will move this court before the Honorable Lloyd F. MacMahon, United States District Judge of the Southern District of New York, at his Chambers, Foley Square, New York, New York, on the 7th day of July, 1973, at 2:15 o'clock P.M. or as soon thereafter as counsel can be heard,

1. For an order pursuant to Rule 53 of the Federal Rules of Civil Procedure vacating and striking out the Special Master's Report dated June 25, 1973, and filed herein on June 26, 1973, upon the ground that it is without reasonable basis in fact or law, is arbitrary, penal, unjust, unreasonable and unsupportable, and will deprive defendant of its rights to trial by jury of the issues of fact herein;

2. For a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure declaring discovery

*Defendant's Notice of Motion to Vacate and Strike Out
Master's Report and for a Protective Order and Costs*

in this matter at a conclusion and directing that the case proceed to trial in regular turn without further disproportionate pretrial activity; and

3. For an order pursuant to Title 28, Section 1927 of the United States Code requiring plaintiff's attorney, I. Alan Harris, Esq., to satisfy personally excess costs in the amount of \$20,000.00 incurred by defendant by reason of said attorney's having multiplied the proceedings herein unreasonably and vexatiously.

Dated: New York, New York
July 25, 1973.

Yours, etc.

GIFFORD, WOODY, CARTER & HAYS

By *[Signature]*
A Member of the Firm
Attorneys for Defendant
One Wall Street
New York, New York 10005
(212) 344-0470

TO: JOHN J. GALGAY, ESQ., Special Master
424 Madison Avenue
New York, New York 10017

LIVINGSTON, LIVINGSTON & HARRIS, ESQS.
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017

KAPLAN, KILSHEIMER & FOLEY, ESQS.
Of Counsel to Attorneys for Plaintiff
122 East 42nd Street
New York, New York 10017

AFFIDAVIT OF CHARLES L. TROWBRIDGE IN SUPPORT OF MOTION
TO STRIKE SPECIAL MASTER'S REPORT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
HAROLD FISHER, : 69 Civ. 3312

Plaintiff, :

-against- : AFFIDAVIT

HARRIS, UPHAM & CO. INCORPORATED, :

Defendant. :
-----x

STATE OF NEW YORK)
 : ss.:
SOUTHERN DISTRICT OF NEW YORK)

CHARLES L. TROWBRIDGE, being duly sworn, deposes
and says:

That he is a member of the firm of Gifford, Woody,
Carter & Hays, attorneys for defendant, is familiar with
this case and makes this affidavit in support of defendant's
motion for an order vacating and striking out the report
of Special Master John J. Galgay, Esq., for a protective
order declaring discovery to have been concluded and for
an order requiring plaintiff's attorney, I. Alan Harris,
Esq., to satisfy personally the excess costs which have
resulted from his unreasonable multiplication of the
proceedings herein.

The Special Master's report dated June 25, 1973
recommends that defendant be required to pay plaintiff

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

\$5,000 in sanctions and that defendant be directed to make a search of certain computer print-outs of telex messages exchanged between defendant's main office and 72 branch offices for a total of 177 days. As expanded upon below, the cost of making such a search and compilation will approximate \$10,000. Defendant has at all material times been willing to let plaintiff search these records. The Special Master's recommendation is largely based upon a manifestly erroneous interpretation made by him of the results of a similar search on 57 days which he had unilaterally directed defendant to make after plaintiff's attorney had breached an order of this court directing it to select twenty representative dates to be searched. The Special Master's erroneous interpretations came after his request that plaintiff's attorney analyze these materials had been flatly rejected.

This is an action by a former customer of a stock brokerage concern to recover \$32,999.25 representing the purchase price of 5,000 shares of Bartep Industries, Inc. an over-the-counter stock which plaintiff had purchased through defendant on or about October 29, 1968.

Plaintiff testified on his deposition that this purchase was the result of a tip received from the president

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

of Bartep Industries, Inc. that that corporation had gotten "exclusive jurisdiction of KH3, which is a rejuvenation pill" (Fisher Dep. pp.10-11), in the Bahamas.

On February 17, 1969 after having been advised that there was no market in the common stock of Bartep Industries, Inc. plaintiff sent a telegram to defendant's New York office seeking to cancel the purchase and requested the return of the total money paid for same. This came after plaintiff learned that his friend the president of the company had been killed in a plane crash (Fisher Dep. pp.33-34), and two days before the SEC suspended trading in the stock. The theory of the complaint is that defendant failed to deliver the certificates and misrepresented its ability to do so. A second cause of action seeking damages of \$50,000 and punitive damages of another \$50,000 is also alleged.

Out of this relatively simple state of facts, plaintiff's attorney has created a totally unreasonable discovery nightmare consisting of a proliferation of irrelevant documents based upon groundless and inarticulated claims of "conspiracy" which have produced attorneys' fees of over \$22,000 already paid by defendant, 13 days of

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

depositions, substantial fees to the Special Master (\$2,953.12), and endless motion practice.

If the Special Master's report is upheld, defendant will have expended at least \$40,000 answering plaintiff's discovery demands, discovery will still not be concluded, plaintiff's attorney will still be running amuck, and we will be no closer to the trial of this \$32,000 case than we were two years ago.

The grounds of the motion to vacate and strike out the report of the Special Master are as follows:

(a) The Special Master's report, if enforced, will require the defendant to conduct a search and make a compilation of the documents the out-of-pocket cost of which will approximate \$10,000 with no reasonable likelihood that anything even marginally material to the issues of this case will be produced.

(b) Plaintiff, even before the grossly disproportionate and unjust penalties and expenses imposed by the Special Master's Report are taken into account has already had much in excess of the reasonable discovery contemplated by the Federal Rules of Civil Procedure, in that it has required defendant and its attorneys to:

(i) Expend 451 hours of lawyers' time in responding to its varied discovery demands,

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

(ii) To produce approximately 135 bound volumes from which defendant was required to cull 500 copies and deliver copies to plaintiff,

(iii) To produce eight officers and employees of defendant who have been deposed on thirteen dates, and

(iv) To conduct a search of unindexed print-outs of all telex messages exchanged between defendant's headquarters and its 72 branch offices for a period of 57 dates, which consumed 722 man hours and cost the defendant at least \$3,000, and

(c) There is no basis whatsoever in reason or in justice for permitting the Special Master to reward the plaintiff for plaintiff's attorney's arrogant and unreasonable refusals to comply with the Special Master's requests and rulings, one of which was made an order of this court, by imposing sanctions and penalties upon the defendant; and

(d) The Special Master's report is based upon a demonstrably defective analysis of documents produced, undertaken by the Special Master after plaintiff's attorneys had refused the Special Master's request that they make the analysis, which was done by the Special Master, without affording defendant an opportunity to make such an

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

erroneous analysis, and without any hearing in violation of Rule 37 of the Federal Rules of Civil Procedure; and

(e) The Special Master's report relies, unfairly, prejudicially and unreasonably, upon a prior ruling of this court which has no application to any event which took place during his tenure; and

(f) The Special Master's report exceeds his authority in that the order appointing him contains no authority to impose sanctions.

The Special Master's report places considerable weight upon the fact that as a result of a search he directed defendant to make of the so-called "computerized wire service unit" for some 57 days selected by him, out of approximately 130 print-out pages, each containing one or more telex messages pertaining to Bartep stock produced, he found that only 23 of those messages had been produced at a prior time and assumed that there was something of relevance or materiality in the remaining messages which he obviously considered to be new.

As the accompanying affidavit of Michael McAllister to which copies of each of those messages are attached as exhibits conclusively demonstrates, 75 of the 135 messages were in fact marked for identification during

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

depositions taken by plaintiff, mostly under the supervision of the Special Master; 30 of the messages are nothing more than requests for quotes on Bartep stock and responses thereto which have nothing whatsoever to do with any issue in this case; one message pertains to an administrative matter within one department of defendant's main office and has no bearing on any issue in this case; and 29 messages although not previously produced verbatim are the subject of extensive testimony in the voluminous depositions already taken.

Thus, the Special Master committed clear error when he considered these messages to be new and/or material and based his award of sanctions upon this incorrect premise.

To require defendant to make a further compilation for an additional 177 days, many of them before plaintiff's purchase or after his purported cancellation, is, we submit, even more oppressive and unreasonable. Particularly is this so since although it is not mentioned in the Special Master's report, defendant has at all times been willing to make these unindexed print-outs available to plaintiff's attorney so that he can make the search -- at his expense.

The Special Master additionally states as a ground for his recommendation the imposition of a \$5,000

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

sanction against defendant, a previous sanction imposed by Judge Frankel. That sanction had nothing whatsoever to do with anything that took place during the tenure of this Special Master and any reliance upon it to impose additional sanctions is not only prejudicial and unfair but it reflects the weakness of the analysis relied upon by the Special Master. That sanction had been recommended by Special Master Jacobs on September 1, 1970 in which he stated that but for defendant's answers to two interrogatories he would be reluctant to claim that defendant had not acted with "substantial justification" (Report, pp.11-12). Special Master Jacobs in fact sustained more of defendant's points in issue than he did those of plaintiff.

Although it is completely irrelevant to the present application we respectfully request that the original interrogatories and their answers be read. The answers reflect what we submit was a reasonable and diligent attempt to provide the information requested. Certainly the \$250 sanction assessed at that time has no bearing to the discovery which has taken place under the supervision of Special Master Galgay.

Defendant has twice filed notes of issue and statements of readiness in this case seeking to conclude

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

discovery and bring the matter on for trial. They were filed on November 6, 1970 and May 28, 1971. Each time the plaintiff objected.

With respect to the first of these notes of issue, plaintiff's objection was untimely. The deponent withdrew that note of issue, however, when advised by Dermot G. Foley, Esq. whom deponent has known for many years, that he would be trial counsel and would only seek reasonable discovery.

Mr. Foley has not lived up to that statement. While he was active in the case he participated in the overreaching, immaterial, endless examination of back-office documents dealing with Bartep Industries, Inc. which has characterized plaintiff's approach to discovery in this case. Thereafter, because of what we have been advised was nonpayment of his fees he has assumed inactive status.

We respectfully request the court to read the messages annexed to Mr. McAllister's accompanying affidavit or a reasonable sampling of them so that some indication may be gained of the total immateriality of what will be produced by the \$10,000 search now recommended by the

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

Special Master based upon his obviously incorrect understanding of these documents.

Please also bear in mind that when this court on November 17, 1972 modified the order of Judge Tenney of April 24, 1972 directing the completion of discovery by June 30, 1972, to provide that plaintiff should furnish a list of 20 dates to defendant within 7 days of the entry of that order so that defendant could search the computerized wire service unit, plaintiff failed to comply.

Incredibly, the Special Master notwithstanding plaintiff's refusal unilaterally countermanded that order and directed a search of 57 days to be made by defendant.

Against this background, and against the recommendations of this law firm, defendant without objection proceeded to make the search as a demonstration of its good faith.

When plaintiff's attorney received these documents he issued a series of unsupported, we submit, hysterical, objections to them, but when requested in a temperate fashion to advise the Special Master promptly which documents had not been produced before and to provide a comment as to the potential significance of those documents, plaintiff's attorney flatly refused to

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

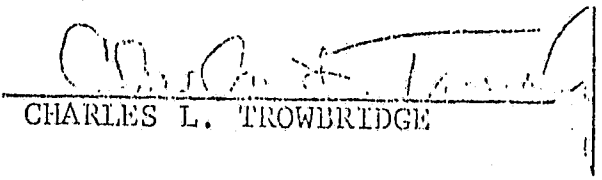
do so. His letters and that of the Special Master on this subject are annexed to the Special Master's report. The Special Master has not attached to his report a copy of this firm's letter of June 22, 1973 pointing out that there is nothing new in the documents in question and requesting again that the matter be set down for trial without further disproportionate discovery. A copy of that letter is annexed hereto as Exhibit A.

Defendant has attempted in good faith to comply with every request and directive of the Special Master. This has been done at considerable cost and loss of time.

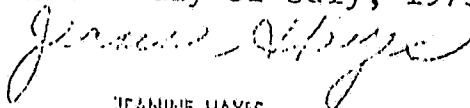
Plaintiff's attorney has failed to comply with this court's order, refused to perform the analysis requested by the Special Master and refused to agree to pay the Special Master and as a reward, the Special Master directs defendant to pay plaintiff \$5,000 and to perform a search and compilation of irrelevant material which will cost \$10,000. All of this after defendant has already been required to pay in excess of \$25,000 in the course of discovery for legal fees and document searches. The documents being searched have no reasonable bearing on any issue in this case and are probative of nothing.

*Affidavit of Charles L. Trowbridge in Support of Motion
to Strike Special Master's Report*

We respectfully submit that the sound administration of justice and of the federal discovery rules requires not only that discovery be declared concluded and the Special Master's recommendations for sanctions and further compilations and searches be rejected, but also that plaintiff's attorney, I. Alan Harris, Esq., should be required to compensate defendant in the amount of at least \$20,000 by reason of that attorney's unreasonable, inflammatory, abrasive and arrogant insistence upon multiplying the proceedings in this case beyond any practicable justifiable level.


CHARLES L. TROWBRIDGE

Sworn to before me
this 22 day of July, 1973.



JEANINE HAYES
Notary Public, State of New York
No. 24-1720220
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1975

EXHIBIT A--LETTER DATED JUNE 22, 1973 ANNEXED TO
AFFIDAVIT OF CHARLES L. TROWBRIDGE

June 22, 1973

John J. Galgay, Esq.
424 Madison Avenue
New York, New York 10017

Re: Fisher v. Harris, Upham & Co., Incorporated
69 Civ. 3312

Dear Mr. Galgay:

The temptation to ignore the most recent outburst from plaintiff's attorney has been great but that June 8, 1973, letter does contain certain unsupportable, defamatory remarks which should not go unanswered.

Rather than speculate upon the extremities which have prompted the columns of Mr. Harris, we simply point out that he has flatly refused to make the analysis you requested him to make in support of his obscure and tenuous accusations.

There is good basis for this refusal. This is because any reasonable review of the documents provided in accordance with Paragraph 5 of plaintiff's Rule 34 request, discloses that they contain nothing new. The contents of each of these "pieces" was in one form or another presented to the district officers and employees of Harris, Upham & Co., Incorporated during their lengthy depositions by plaintiff's former trial counsel Robert G. Foley, Esq.

This is a \$32,000 case. For reasons known only to him the attorney for the plaintiff has seen fit to include in the complaint allegations of manipulation and conspiracy,

Exhibit A Annexed to Affidavit of Charles L. Trowbridge

2 - John J. Calgey, Esq.

probably with a view to attempting to capitalize upon the well-known back-office problems being experienced by member firms during the period in question. No proof whatsoever has been adduced which would come remotely close to establishing these allegations.

Defendant's attorneys have twice noticed this case for trial. They have expended 451 hours of lawyers' time in responding to plaintiff's many and varied discovery requests, demands and motions. They have produced approximately 135 bound volumes from which defendant culled 500 documents and delivered copies to plaintiff. Eight officers and employees have been deposed on January 11 and 14, February 10, March 14, 16, 22, 23, 29 and 30, April 10 and 17 and June 9 and 13, 1972.

As you know, 750 man hours were expended in obtaining the documents recently provided.

Every day, the Federal Court is curtailing discovery in such larger cases where much less discovery has been had and directing the parties to proceed to trial.

We honestly believe that plaintiff's attorney has a phobia against trying this case and would be quite content to spend the rest of his professional life rooting around through documents in defendant's back-office, and making self-flattering, false assertions that documents are being "kept" from him.

It is time for you to have the fortitude and good judgment to draw the line. Justice requires this case to be tried. Plaintiff's refusal to comply with your most recent request also requires this. So does any notion of fundamental fairness.

Very truly yours,

GIFFORD, WOODY, CARTER & HAYS

CLT:jeh

cc:Barret G. Foley, Esq.

By

Charles L. Trowbridge

Livingston, Livingston & Harris

AFFIDAVIT OF MICHAEL J. MC ALLISTER IN SUPPORT OF MOTION
TO STRIKE SPECIAL MASTER'S REPORT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAROLD FISHER, : 69 Civ. 3312

Plaintiff, :

-against- : AFFIDAVIT

HARRIS, UPHAM & CO. INCORPORATED, :

Defendant. :
-----X

STATE OF NEW YORK)
 : ss.:
SOUTHERN DISTRICT OF NEW YORK)

MICHAEL J. MCALLISTER, being duly sworn, deposes and says that he was associated with the firm of Gifford, Woody, Carter & Hays during the period covered by Mr. Galgay's tenure as Special Master, is familiar with the facts and was directly handling this case on behalf of defendant during that period.

This affidavit is made in support of defendant's motion to vacate the Special Master's report, for a protective order concluding discovery and for the imposition of costs upon plaintiff's attorney personally.

Deponent has read the affidavit of Charles L. Trowbridge sworn to July 25, 1973 and agrees with the statements of fact therein contained.

Deponent can certify and does that during his period in charge of this action for defendant every effort was made to produce every single document called for and the sole intent was to comply with and finish discovery and proceed to trial.

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Deponent was directly concerned with and supervised the searching of the 57 days of computerized message unit print-outs and can state directly that a total of 722.25 man hours were expended in making this search by defendant's employees and outsiders hired specially for this purpose on an average hourly cost slightly in excess of \$4.00.

As a result of that search a total of 135 messages were produced. These were delivered to plaintiff's attorney in the form of xeroxed sheets containing many messages with the particular message referring or relating to Bartep indicated by an asterisk and underscored.

In his report and recommendation the Special Master stated that he "found that 23 of these messages had been produced at a prior time..." (p.5).

This is completely inaccurate.

Of the 135 messages produced by defendant's aforesaid search, 75 had been produced and marked for identification during the course of the 13 days of depositions plaintiff has taken of defendant. Copies of each of those 75 messages are attached hereto and collectively marked as Exhibit A. The identification exhibit number and date and the name of the person at whose deposition the exhibits were marked are indicated on each of these exhibits. 30 of these messages were not, in the opinion of deponent, called for by the Rule 34 request of this case

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in that they constitute nothing more than requests of the defendant's OTC Department for quotes on the price of Bartep stock and the OTC Department's responses thereto. Copies of each of these messages are annexed hereto and collectively marked as Exhibit B. One message was an administrative message regarding the treatment of a particular certificate of Bartep Industries, Inc. stock which has no bearing to any issue in this case. A copy of this message is attached hereto as Exhibit C.

That leaves 29 messages. Copies of these are annexed hereto collectively as Exhibit D. The subject matter of each of these messages was reviewed extensively by plaintiff's counsel during the taking of the depositions and none of them contains any matter not exhaustively treated therein.

We will discuss these wires in order.

The first three wires are dated December 19, 1968 and deal with the fact that Bartep changed its transfer agent. The circumstances surrounding these wires are set forth at length in Paragraph 7(b) of defendant's amended answers to plaintiff's second set of interrogatories. Furthermore, these facts were the subject of a wire produced and marked for identification (Plaintiff's Ex. 45) and the examination of William Smythe, defendant's supervisor of stock transfer, for 30 pages (pp.25-36, 59-76, W.O. Smythe deposition).

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The next two messages, dated January 13, 1969 deal with an attempted sale of Bartep by a New York branch of Harris, Upham on a margin call. The sale was attempted again the next day without success (Plaintiff's Ex. 142). Plaintiff's counsel, realizing that unexecuted sales are irrelevant has never pursued it (P.167, A. L. Key deposition).

The next five wires, dated February 7, 1969 were from a former employee in Fort Lauderdale to Albert Key, defendant's supervising officer of the O.T.C. department, requesting permission to deal with a broker-dealer identified as "Wesco". Mr. Key's response was marked for identification on March 28, 1972 (Plaintiff's Ex. 64) and he was deposed at length regarding the circumstances surrounding these messages (pp.16-46, A.L. Key deposition). Plaintiff has had complete discovery in this area.

Two other messages on February 7, 1969 request a report on the market of Bartep. The response to these inquiries was that there was "no market" in the stock, a fact well known to plaintiff from the inception of this lawsuit. (pp.25-34, H. Fisher deposition) Moreover, plaintiff's exhibits 56(a), 61, 72, 73, 74, 142, 145, 146, 147, 151 and 153 all deal with the same fact of "no market". These wires were sent between January 14, 1969 and February 14, 1969, thus straddling the two wires in issue.

On February 11, 1969, there was a wire request from Fort Lauderdale regarding the transfer status of

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a customer's Bartep stock. This was responded to by wire on February 12 (Plaintiff's Ex. 56). The facts in these two wires were investigated at length during the deposition of defendant's Fort Lauderdale branch office manager, James Simpson (pp. 43-60, 78-81). This same request was repeated on February 13, 1969 and was incorporated in the line of questioning by plaintiff's counsel noted above.

The next six messages, two on February 13 and the remaining four on February 14, 1969 dealt with inquiries to see if a market for Bartep could be located. Again, these inquiries were known to plaintiff's counsel due to documents made available to them (Plaintiff's Ex. 61, 72, 73, 145, 146, 147, 151, 153, 154 and 158) and the extensive depositions taken by them.

The next six messages, on February 17, 26 and 28, 1969, all dealt with the transfer status of Bartep stock. During the same period, 15 other messages had been produced dealing with the same topic. (Plaintiff's Exhibits 76, 77, 78, 79, 80, 81, 82, 83, 85, 86, 88, 89, 163, 164, 165). Plaintiff's counsel used these extensively to examine defendant's officers and employees. (pp. 182-193, 220-224, B. Cowan deposition; pp. 66-71, 78, 85-96, 101-109, 116-117, 199, A. L. Key deposition; pp. 39-59, W. S. Long deposition; pp. 143, 194-216, W. O. Smythe deposition; pp. 43-52, 67-80, R. M. Mallett deposition). The information given plaintiff's counsel in defendant's interrogatories

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was not added to or subtracted from one iota by these six messages.

In sum, there is no new information in the 29 messages contained in the wires nor was plaintiff denied any information which may constitute evidence or which may lead to the discovery of evidence. On the other hand, defendant has been compelled to go beyond all reasonable limits in complying with the oppressive document production requests of plaintiff and the Special Master.

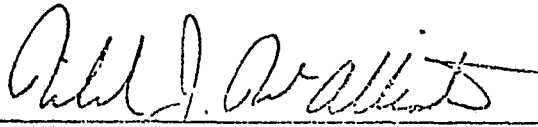
Throughout deponent's experience in this case plaintiff's attorney, I. Alan Harris, Esq., has engaged in intemperant, unsupported accusations that deponent was a "weasel", that deponent and defendant were illegally concealing documents from him and has advised deponent that plaintiff had indicated that he was out to "get" Harris, Upham and would pay any costs required to do so.

Virtually all of the documents which Mr. Harris has insisted be produced deal with routine transactions in Bartep stock by customers other than plaintiff and have no bearing to any of the issues in this case and none of them are in any sense probative of the price manipulation or conspiracies which Mr. Harris insist must have taken place. He and he alone is, in deponent's opinion, responsible for the fact that both sides have already lost this case before trial due to the extremely unreasonable and

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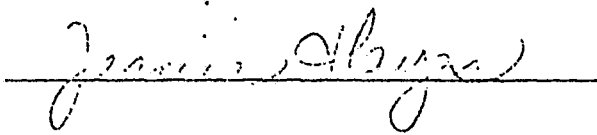
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utterly indefensible extent to which discovery has been permitted to go on in extraneous areas and in so doing Mr. Harris has rendered a disservice to his client and precluded any chance of reasonable settlement of this case. Any reasonable review of all the papers and deposition transcripts can only reveal that the fault lies with Mr. Harris and supports defendant's claim that its costs for the unreasonable multiplication of proceedings in this case pursuant to 28 U.S. Code 1927 should be levied against Mr. Harris personally.


MICHAEL J. MCALLISTER

Sworn to before me

this 25th day of July, 1973



JEANINE HAYES
Notary Public, State of New York
No. 24-1720230
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1975.

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EXHIBIT A--COPIES OF 75 MESSAGES OF TOTAL OF 135
PRODUCED THROUGH SEARCH ANNEXED TO AFFIDAVIT
OF MICHAEL J. MC ALLISTER

13/17
01411004 40 HU 2 AM 121768-1004 # SLD 100 HIT 4364 2229-2# SEW04
01031004 10 OM 22 WB 121768-1004 # ALL WIRES # DE RK DC BU WMW OJ LOOKS LIMIT UP SIPP NYC6
01821004 68 TAB 1# LY 121768-1004 # NYR 2# 120 SUNDANCE OIL 18# B 9899850 NET \$ 4785 LC# OTC-LAN AO 12-9#
00981004 8 OH 22 WB 121768-1004 # ALL WIRES # DE RK CC BU WMW OJ LCKS LIMIT UP SIPP NYC6
00751004 16 NW 91 WRD 121768-1004 # FORBES# 5828-2 FED CALL 213.00 DU 12-20# PLS CFM AJA CRDN \$
00941004 8 OD 22 WB 121768-1004 # ALL WIRES # DE RK CC BU WMW OJ LOOKS LIMIT UP SIPP NYC6
01361004 DU 14 # BUY# 1 PPK MKT# 8645-1T# 1# # ASE 302 121768-1004T
01421004 8 CDT 52 WH 121768-1004 # BUY# 10 MAY WHEAT 1354# GTC# 6499-9# 10 \$
01391004 66 BND 13 AR 121768-1004 # SL# 1M CONDEC CV 5 93 MKT# DAY# 0385-2# 1M# \$
* 01671004 227 OTC 30 LD GRD 121768-1004 # SL# 200 BARTEP INC 6# LD 6815-1# 200# \$
01451005 50 CGE 40 SX 121768-1005 # BOYLE# SHIP NBR 1-3 12/16 ANDY SX# \$
00861007 17 PX 91 WRA 121768-1007 # RE BUY 100 NATIL CAR RENTAL 14# ORDER CXLC SEE MEMO 369 \$
01211004 5 TE 0 WRG NS 121768-1004 # DURBAN DEEP 5X-6 \$
00751004 15 NW 90 WRD 121768-1004 # FORBES# RE BROWN AND SEIDMAN 50-6132-1 OWES 1396.680 # PUR 12-2
PLS ADV WEN
00751004 TO XPC PYMNT AJA CRDN #
00201005 10 CJ 88 WRA 121768-1005 # BOT 110 EBERLINE INST CORP 130# # 8535-1 \$
00291004 26 DC 37 WRC 121768-1004 # RICHUC RE 0003-1 DISREGARD MY PREVIOUS MSG BELONGS TO 0021# AM ADJUSTING
HERE SUSS CRDN \$
00131009 34 DO 0 WRG NS 121768-1009 # ATO PFD 1 ST SER PFUN PLS GIVE FULL TITLE# 6627-1# BILL OTC \$
00451007 17 FX 0 WRG NS 121768-1007 # ALLY# NO BID FOR 10 SHS# RE SL 10 MT CLEMENTS MKT ETC# HARV OTC \$
00191004 15 CD 57 WRH 121768-1004 # RICH DIV REC 12-13# NORTHERN NAT GAS 5.80 PFD LONG 50# OGDEN 16.75 PFD
LONG 42# PHILLIPI

Pl. Ex 134 marked
at deposition of A. Ray on 6/9/72

12/19

00420930 5 FL O WRA NS 121968-0930 W LILW PLEASE CALL SECUMHER TRANSFER LTD AND FIND OUT WHAT ISN HOLDING UP
TRANSFER OF BART

00420930 EP INDUSTRIES WE HAVE OVER 4000 SHS IN TRANSFER SCME ITEMS GOING BACK TO IO-29# WE ARE GOING TO BE
BOUGHT SMYTHE CGEN W

01060930 4 QP O CSC NS 121968-0930 W ALL WIRES PLS MAKE SURE YOUR NEWS WIRE IS TURNED ON BETWEEN 9 & 9.15
AM EVERY MORNING

01060930 TED WRS# NG

00080929 PX 24 W SL# 100 U 15# 9821-2# 100# W AV 63 121968-0929L

00200930 2 CJ O CSC NS 121968-0930 W ALL WIRES PLS MAKE SURE YOUR NEWS WIRE IS TURNED ON BETWEEN 9 & 9.15
AM EVERY MORNING

00200930 TED WRS# NG

01340929 HU 27 W SL# 100 PC MKT# DAY# 0638-1 VSP 4-5-68# XW 76 121968-0929T

00080929 CD 26 W SL# 100 CG 31 W 100-31 W W AV 64 121968-0929

00830930 2 PK 32 WRC 121968-0930 W KARUL PK 72-3041-1 RE GREAT AMER IND STILL IN TFR SCHWARTZ CGEN S

01340929 FA 10 W SL# 200 GT MKT# 62-UN SALE# 4354-1# 200662# XW 77 121968-0929#

01640929 DO 36 W SL# 95 CRB MKT# 0019-1# W W NOL 234 121968-0929T

00080929 EN 19 W BUY# 100 IP 372# GTC# 1101-1# W AV 65 121968-0929R

00080930 FF 52 W BUY# 100 CSY 23 W 4250-1# W AV 66 121968-0930H

01450929 30 CGE 18 W 121968-0929 W HERRIN RE VERNON CGX I BELIEVE U MISUNDERSTOOD MY WIRE 100# NTL NOT LOST
BUT REGD HERE 3/6

01450929 76T AND DELVD 2 X 50 W ON 3/13 QUESTION NOW IS WAS 50 REGD BY EACH WILL ADV BET W W #0

01740929 117 QTC 34 PS 121968-0929 W PLS OTEN UNIMED# S

45
Pl. of W. Smythe on 12/19/72
at deposition

00361151 209-2# 100#
 01561150 1670 EXT 224 2A 121968-1150 EUP # SLD 100 AC PR 29 # GC-0958-13
 01811150 416 SVR 1277 CCAP 121968-1150 # PS-KAB-101
 01501151 509 CRD 222 CU 121968-1151 # RCF-PLS-SHIP-105-PLUME ATWOOD IN STREET NAME# WITH STAMPS INKS STEMPL
 LR CD# 4
 01381150 PS 102 # SL# 300-PKL-A-8 # 1067-2#-300# # ASE-943-121968-1150E
 01671151 709 DTC 68 LD 121968-1151 # SL# 200-BARTER IND 6# 6815-1# 200#
 01741151 340 QHN 99 BT 121968-1151 # RAGE Q-EL PASO NAT GAS 6-93 TOM BT #
 01761152 82 RCH 85 WM 121968-1152 # NEED HI-AND-LO-SOUTHERN-GC-APRIL 8 1953 FOR EST PUR# POSES THIS IS ONE I
 ASKED-FOR-EAST-N
 01761152 K # ROGERS WMWG
 01501151 508 CRD 98 BT 121968-1151 # FITZ CRD RE 3522-2# HV BEEN UNABLE TO CONTACT COST # AS HE HAS BEEN OUT
 OF THE STATE FOR O
 01501151 VER TWO WEEKS AND IS# DUE BACK IN HIS OFFICE NEXT MONDAY 12-23 AND WILL CONTACT# THEN MAY B. & BU
 01381151 NB 65 # BUY# 50 WPT MKT# 1464-1# 50# # ASE 944-121968-1151N
 00861150 39 PS 208 AA 121968-1150 # BOT 200 DTC 13 # 1259-2#
 01811151 417 SVR 1275 CCAP 121968-1151 # EG REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# ASE 103 EGM SLD 100 #
 5 WS-20# # GTC # 2
 01811151 209-2# 100#
 01531151 252 LDP 225 2A 121968-1151 # SLD 100 ABA 28# # LV 0049-13
 01561150 1671 EXT 203 2A 121968-1150 PS # BOT 200 DTC 13 # 1259-2#
 01221153 137 TL 246 WRF 121968-1153 # SLD 90 CA 38# # CPT 5# TL 6164-13

Pl. Ex 135 mailed
 at deposition of A. Reg on 6/19/72

01451146 93 CGE 127 TL 122068-1146 # MR HUGH TERRY TENNANT# 76-4325-1-04 OF EUGENE OREGON# PLS TER ACCT TO#
17831 NE 12TH# BEL

12/20
01451146 LEVUE WASH 98004# NEW ACCT IS 70-7494-10# NUGENT TL# #4
00651146 143 PCX 46 TO 122068-1146 # BUY# 200 MER PKT# 9804-1# CFM 200 MER PKT# \$
01531146 270 EDP 0 ZA NS 122068-1146 # BOT 100 GRI 45# DU-5335-1# \$
01561145 1320 EXT 266 AB 122069-1145 PT # BOT 70 EXU 24 # Q 24# GTC # 3057-1# \$
00651146 162 LA 143 WRC 122068-1146 # DR # CAN YOU CONTACT THE CROCKER CITIZENS NATIONAL BANK RE # A SUB TO
STERLING SAVINGS AN
00651146 D LOAN ASSN # WE HAVE CUSTOMERS WHO ARE SHRT 400 RITES UNDERSTAND THE # QUTES ARE NON TRANSFERABLE
AND EXPIRE MON DEC 23 BUT WE # HAVE INSTRUCTIONS TO SUBSC

00651146 RIBE IS THERE ANY WAY WE CAN # SUB WITHOUT RITES ADVISE SAP # RAY CAGE #
01671145 451 OTC 57 LD ORD 122068-1145 # SL# 200 BARTEP IND 6# LD 6815-1# 200# \$
00361146 52 EG 270 AB 122068-1146 # BOT 75 BOT 183# Q PKT# 0455-1# \$
01561145 1321 EXT 191 ZB 122069-1145 NO # BOT 100 PRC 35# NO-1928-2\$
01341145 FF 171 # SL# 100 ARA PKT# 1077-2# # XW 275 122068-1145\$
01671146 452 OTC 191 KC 122068-1146 # SL# 200 COSMETICALLY YOUNG 306# GTC# 6701-1# 200# \$
00841147 47 PL 222 AK 122068-1147 # SLD 11 Y 54 # 3414-1# \$
01561145 1322 EXT 204 AA 122068-1145 RR # BOT 100 BNR 17# RR 68# \$
00261146 128 CN 219 AK 122068-1146 # BOT 50 CCN RT 28/32# 2530-2# \$
01561146 1323 EXT 88 AV 122068-1146 MD # BOT 100 TNA 48# ON 8- LTN R S \$
01411147 164 HU 5P LD 122068-1147 # METZGER# HOPE U R FELLING BETTER# COME CN DOWN - ITS SUNNY# ANTHONY# LCN

Pl. by 136 mailed
at deposition of A. K. Ryan 6/9/72

01301128 57 WH 244 WRA 122368-1128 SLD 150 LEITCH GLED 244 2146-1 S
 01381128 10 41 SLD 100 KTY 904 8048-2W 100W ASE 105 122368-11285
 00271129 55 CV 205 WRJ 122368-1129 ERN RE 9670537-1 RE 200 DCRK OLIVER PLS MAIL TSFR INVS VAS CRD
 01821128 255 TAB 168 CN 122368-1128 LCL 12W 60 SCM 4404 801 RB 4405-1 SOLD 4899900.
 01381129 LS 129 SLD 100 ADA HKTA DAY VS PURCH 12-6-68 2416-1K 100W ASE 100 122368-1129P
 01991128 128 TERM PT LINE 018 NO RESPONSE TO TSC
 00461131 49 FS 199 WRF 10N 122368-1131 SLD 100 API 17K AS OF 12/20 POSS DUPEH SHJRT FS-1221-3 ASE
 01151131 133 RL 126 XW 122368-1131 801 100 CFI 10-1 CPISA G
 01561128 1767 EXT 191 ZB 122368-1128 CK 801 200 LK 47K LVS 300 GPN 5
 01511129 55 CSC 0 NB NS 122368-1129 ATR 31 RTR PLS THX NBW 5
 01451128 100 CGE 105 SX 122368-1128 BOYLE HUM RECD 263-12/19 & 289-12/20 ANDY SX 5
 01411129 156 HB 246 WRA 122368-1129 RE BUY 50 ARISTO FOODS 268W YOUR OUT MEMO 369W ARNIE 5
 00191129 126 CD 120 AV 122368-1129 SLD 100 X 44 CC 202W BURNS
 01561128 1765 EXT 207 AA 122368-1128 FA 4 901 100 HYD 16 1334-2K 5
 01641129 PL 26 80Y 50 ELG 23 DAY 87-29 5-1 NJL 488 122368-11290
 00771129 41 DA 0 WRG NS 122368-1129 WESTERN CASUALTY ANS SURTY CO 492-515
 00121137 44 BL 1166 CCAP 122368-1137 BL REJECTW JAD ORDER SYMBOL KAB THIS NUMBER ASE 50 3L 55W 12 1
 EN 470W 1384-3W
 00121137 100W
 01671128 441 DIC 42 LD 122368-1128 SLD 200 HARTER 100 5W LD 6815-16 207W
 01311129 39 WH 0 WRG NS 122368-1129 NORTH CENTRAL AIRLINES 5-05
 01991128 128 TERM PT LINE 013 NOW RESPONDING
 01991129 129 TRMCS DOWN AC PA FL TRPA GY PA PS TRPA RAY TRPA AN 1
 00831130 19 PK 77 TL 122368-1130 SANDY HONEY PLS GTE WESTERN GLED 40V RBY TCR 5

PL Bx 137 marked
 at deposition 1/18/72
 m

A 301

Exhibit A Annexed to Affidavit of Michael J. McAllister

01531036	53 EDP 50 7A 010369-1036 # ROT 100 LLT 29 # FF-9334-18
01561036	365 EXT 50 ZA 010369-1036 EDP # BOT 100 LLT 29 # FF-9334-18
00391040	53 EV 0 PK NS 010369-1040 # ATTN KY AND TL# AMERICAN 3--# DAYBREAK 24-28# COEUR D ALENE 12-13# HE RGER 260-275# HE
00301040	T M L 31-34# MASCOT 95-105# SIL SYND 3--# SIL BKLE 60-70# SIL STAR QUEEN 40-50# SIL CHIEF 80-90# SIL VER DOLLAR 9--# CONJ 125-135# JOE DANDY 15-20# GOLD PLACE
00301040	RS 2--X# WESTERN GOLD 45-50# EAST COA 48-54# CAL CON 50-55# NANCY LEE 3--# KEYSTONE 24-28# PK# .45
01741036	358 QTC 54 WM 010369-1036 # DATA TRENDS# WM \$
01741037	359 QTC 29 NR 010369-1037 # BNY REG CALL WITH MC ADAMS YES PLS CALL THEM I # KNOW & HAVE ADVISED CUSTOMER NOT TO DO
01741037	THIS# AGAIN THAT HE MUST DO THRU US BUT PLS CALL & CFM# THE CALL WITH MC ADAM THX# CATHERS NB# #
01671036	24R QTC 34 LD ORRD, 010369-1036 # SL# 500 BARTEP IND 5# LD 4865-1# 500# \$
01451036	59 CGF 84 TW 010369-1036 # SID CGE# 58-0862-1# 1000 LORRAINE GOLD MNG RG AM# 200 MID MIDWATERRAND R G# HAVE BEEN O/D -
01451036	ARE THESE THE SAME AS ADR, IF NOT# PLS ADV WHAT RG AM & RG STAND FOR AND THE DIFFERENCE# THANKS JUD . Y TW# #N
00261039	55 CN 19 LA 010369-1039 # TFCO# \$
00461036	13 PL 36 AK 010369-1036 # ROT 50 CRO 35# 3452-1# \$
01971036	77 HEND 126 UX 010369-1036 # SL# 1000 RST 12# 1000 12# \$
01901036	104 STA 104 KC 010369-1036 # JH# RE POSS DUPE BOT 100 KAN 23 ON & LT# SEE ORD NBR & ETC OK THANKS A LOT CLGKC# \$

Pl. of 139 model
at deposition of R. J. of on 6/9/72

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Exhibit A Annexed to Affidavit of Michael J. McAllister

11/13

01171014 15 SM 15 AV 011369-1014 # SLD 100 DD PRB 77 # SM 29# AGBS

01991015 015 TERM TO LINE 016 NO RESPONSE TO TSC S

01411023 61 BRH 42 HQ 011369-1023 # RECD NBR 66 AN ALL WIRE# ON OJ ATTN RR# THNX HQ# S

01171015 16 SM 42 AA 011369-1015 # SLD 100 APL 24# 242 LT# SM 31# S

01561014 123 EXT 16 AV 011369-1014 HB # SLD 100 USI 29%# DHS

HU

00421014 30 FL 44 TL 011369-1014 # QTE A TRYSTING PLACEN NUGENT TL# # S

00661017 15 LD 35 WRJ 011369-1017 # RE ACCT NBR 63-6815-1 12-19-12-29 REC 1800# BARTEP IND INC PLS ADV CORRE

CT NAME ADDRESS AN

00661017 D ACCT# ACCT NBR HAROLD TAB DEPT ##

01801015 67 STA 45 PL 011369-1015 # ASE# DENNIS # RE OS 600 SKU 5# GT 1-10 # AYS SORRY # EVELYN PL# S

00291015 28 DC 116 WRD 011369-1015 # ANITA DC OKP# 3258-1 8.00 CR BAL# 3309-1 192.50 CR BAL# 337

7-1 850.88 CR

00291015 8AL CARL CRD# #R

00291014 27 DC 115 WRD 011369-1014 # ANITA DC# OKP# 3525-1 1452.88 CR BAL# 4736-1 142.50 CR BAL# 4

956-1 173.00

00291014 CR BAL CARL CRD# #

01641015 CO #1 # BUY # 10 TIC MKT # DAY # 0433-1 T # 10 # # NOL 378 011369-10159

00651022 80 LA 54 CL 011369-1022 # LINK CLD SOMEONE THERE ACQUAINTED WITH TA PLS ASK THEM# WHAT APPX PCTGE O

F 1968 DIV WILL BE

Ph. Be 141 marked at 11/13/12 on 6/19/12

01670943 194-OTC-47-PX-011469-0943 # SL#-350-BARTER-1ND-MKT# 3023-2# 350# MUST BE SOLD# SELL OUT FOR MGN
S

01990945 945-TERM-PT-LINE-018-NO-RESPONSE-TO-TSC-

00740945 3-NO-22-WRF-011469-0945 # GINGER-LEGAL-TRANSFER-OK# 100-GREEN-MOUNTAIN-POWER-CORP-18-2582-1# SCHWAR
TZ-CGES

00050943 LA-4 # BUY# 100-KG-MKT# 6730-1#-KG# #AM-85-011469-0943

00120944 7-BL-44-WRD-011469-0944 # BL#-RE-YR-7-AND-8-CXL-SL-500-ATQ-16#-AND-500-16#-1499-1# WE OK
CXL-ODAN-PL

00120944 S-ADV-WEN-ORIG-ODA-ENTD-ED-ASE-STAN-#R

01380943 DC-47 # BUY# 100-MEC-MKT# 1717-1#-100# #ASE-252-011469-09433

01500943 103-CRD-48-DC-011469-0943 # JAB-OKP-9383-1-CR-BAL-ANITA-DDC# 5

01380944 KM-7 # BUY# 100-WNU-20 # -4948-1# 100-20 # #ASE-253-011469-0944

01670944 195-OTC-14-TE-011469-0944 # BUY# 100-ALUMACRAFT-MARINE-PROD-CORP-10# 0927-1# PLS QUOTE BACK# 5

01640943 TL-29 # CXL-BUY# 4-IBM-2926# GTC# 4267-2#-CXL-4# #NOL-237-011469-09430

01500943 101-CRD-26-BX-011469-0943 # NURSE# VAL-1-17-69-0016-1-1-ORDERED-2000-TIMES-MIRROR-25-PP# PLEASE-RAC
E-UP-2500-SHARES# 6

01500943 AKER# #T

01280944 5-WA-15-WRJ-011469-0944 # RE-ACCT-17-1632-CONF-DATED-1-13-69-SOLD-5-NATL-BISCUIT# CO-AT-47# NAME-AN
D-ADDRESS-PLS-SAM

01280944 POS-#S

01500943 102-CRD-46-SX-011469-0943 # RACE-BAZ-CRD# RE-48-6718-1-WE-SENT-IN-TFRS-TO-YOU-THE-OTHER-DAY-TO-SHIP
ALL-STOCK-IN-ACCT

Pl. by 142
at deposition of A. Kelly
on 6/19/72

01561115 971 EXT 135 AB 011469-1115 PX # SOLD 100 WPT 3900 3455-15
 00361115 35 PS 214 AA IGN 011469-1115 LGY 10 W YR# ERD# 5
 01281117 31 WA 181 AK 011469-1117 BOT 26 CEA 53 17-1277-15
 01561115 972 EXT 121 AN 011469-1115 KC # DES 23 UR BID# LS 5
 01991115 115 TERM PB LINE 002 NO RESPONSE TO TSC
 00111115 5 BK 1211 CCAP 011469-1115 BK REJECT# DK WIRE CODE# RA92 AEEEEEEE
 00091117 80 74 # BUY # 100 MM MKT # 1824-1 # AV 169 011469-1117
 01991115 115 TERM PB LINE 002 NOW RESPONDING
 00421116 57 FL 132 WRJ 011469-1116 BARTER IND 4# INTL FLIGHT CATERERS 1-2# IMPERIAL PAPER 16-5
 01991116 116 END OF RETRIEVAL TO TERM SVR
 01341116 EL 44 # SLN 100 IPW 22 # 3530-1# 100# XH 216 011459-1116A
 00261117 107 CN 1219 CCAP 011469-1117 CN REJECT# HEADER FORMAT ERROR# CRD 1200 2# VAS SHIP CN NEGO 98-9990
 # 25 ARMOUR DIAL V
 00261117 AL 1-17 BILL#
 01381116 FA 67 # BUY# 100 MLE 25 # GTC# 5013-1# ASE 706 011469-1116D
 01501116 365 CRD 113 SX 011469-1116 BAZ CRD# RE 49-1757-1 DN 110,00 DEBIT TNX TOOK A BIT OF DOING # HOW DI
 D YOU GET DIV DEPT
 01501116 TO ACCEPT WIRE BOB SX# #3
 01641115 FF 104 # BUY# 20 BCK 19# GTC# 2772-1# NOL 633 011469-1115
 01811116 303 SVR 1213 CCAP 011469-1116 HS REJECT# BAD ORDER SYMBOL# KAS THIS NUMBER# ASE 78 HSN BUY# 26 SG
 N 39 # DAYS 6530-1
 01811116 TN 20#
 00591120 128 KC 161 ZB 011469-1120 BOT 100 IBM 300# KC 3171-15
 01561115 973 EXT 146 XH 011469-1115 RL # BOT 500 BCC 652# 6530-1

Pl. Pl. 56A marked
 at deposition of B. Cowan
 on 3/29/72

HU

720 QIC 221 LS 012369-1328 N RIU DYNAMICS* BRANDON APPLIED COMPCON JLANNE LS*
 219 KC 314 WRD 012369-1329 N SHIRL KCN RE SLD 10MNTL CAN 140 0505-1# DATED BONG FM OCT 16# U HV
 IT COMPUTED AT ONE DAY LESS 13472 COTN FRANK TAB#
 FF 192 N SLN 100 RP MKIN 1068-1# 1CON N AC 810 012369-1328H
 140 DC 414 AC 012369-1331 N SLD 100 SON 6# GTCN 6633-1#
 602 SVR 1660 CCAP 012769-1328 N RD REJECT# DAC ORDER SYMBOL# HAE THIS NUMBER ASE 201 BOM BUY# 100 NGC WS N MKTA 1
 164-1#
 OA 100 N BUY# 100 PUL 35# DAY# C750-2# 1CCN N AC 811 012369-1329#
 251 LA 383 ZH 012369-1329 N SLD 100 CEI 42# LA-9P63-1#
 682 CTC 54 WA 012369-1328 N N SLN 50 NORMAN MERLE 27# N N 17-1374-1- N DC NOT DUPLICATE HAS SENT IT PREV N AS PER
 LE NORMAN GIVE THIS TO HARVEY#
 683 CTC 109 LD 012369-1328 N SL N SOC PARTED IND 5 N 4P65-1 N 500 N S
 48 CX 104 WA 012369-1329 N RCT 1 JULY SILVER 2C5,7CN GX-8277-7#
 721 CBN 222 LS 012369-1328 N UNTO AIR 5-91 JOANNE LS#
 59 DS 459 WRA 012369-1329 N RE-HUY 100 PRES STEYN 6# FCK VCCR CLT CXLG HEND 369 S
 127 SN 384 ZH 012369-1329 N SLD 100 AJ 15# SN-6779-1#
 OA 105 N SLN 400 SSC MKIN AH DAY# 1083-1# 4CON N AV 377 012369-1328C
 156 HEND 136 RD 012369-1329 N CXL SLN 500 CAL 247# 4C32-2# CXLN S
 722 CTC 141 CL 012369-1329 N RTE NATL FARM STORES CL#
 84 CND 135 RR ORD 012369-1329 N RLY# 400 CIL SHALE 10# 300 5056-1# 100 5057-1# 400# S
 207 DL 389 ZB 012369-1329 N BGT 100 CSE 24# CPM# DL 3
 2937 EXT 381 ZB 012369-1328 PX N RCT 100 SHK 13# PX-1542-1 S
 RIPA213 GC 365 ZB 012369-1330 N BGT 100 PIN 43# CC-4708-1 S
 2938 EXT 402 AM 012369-1328 FA N SLD 400 CCN 51# MHS
 93 US 369 AK 012369-1331 N RCT 25 KVK 21# 1426-1#
 2939 EXT 384 AA 012369-1328 EG N SLD 55 RAF 14# O MKTA 3864-1# S
 684 CTC 97 JB 012369-1329 N SLN 100 JET AVIGN 14# DAY# 3774-1# S
 92 CP 382 WRF 012369-1328 N SLD 100 AC 10-# BLST STK SYMREL AP# CP-4805-1 S
 119 EG 254 AD 012369-1330 N SLD 13 MAF 14# C MKIN 4413-1#
 2940 EXT 403 AM 012369-1328 RL N RCT 100 LIT 65 N LVS2CCA BF
 SF 86 N BUY# 100 CVM 67-# GTCN 7607-2# CFM 100 CVM 57-# N AN 355 012369-1331
 EG 159 N BUY# 100 ARY 14 N 5804-1# 1CCN N ASE 798 012369-1329U
 131 FL 350 ZB 012369-1329 N RCT 100 CFI 10# LVS 100 CPM# FL-5083-1 S
 68 BX 109 CP 012369-1330 N RE 5# CPM# SLD2CC RR 16-# ACC GOES 3949-1 CPM S
 RD 136 N CXL SLN 500 CAL 247# 4C32-2# CXLN N AV 378 012369-1329#
 231 RL 404 AM 012369-1329 N SLD 100 CCN 51 N SILTN AL#
 2941 EXT 383 ZH 012369-1329 LA N SLD 100 CEI 42# LA-9P63-1 S
 218 BO 1663 CCAP 012369-1329 N DO REJECT# INCOMPLETE TRANSMISSION NCL 202 BOM SLN 13 ARD MKTN O
 603 SVR 1663 CCAP 012369-1329 N DO REJECT# INCOMPLETE TRANSMISSION NCL 202 BOM SLN 13 ARD MKTN O
 208 CD 317 WRD 012369-1331 N STEMPLEP CDM IN FOR FONE CALL BERNHARD CGFN S
 AB POS 113 EL 012369-1330 N SAM 1723769 NEW ACCOUNT# 139-36-6568 10-3148-59# PR RONALD LINARES# 155 DARN
 IN AVENUE# RUTHERFORD NEW JERSEY 07070 MAM EL#
 518 AM 35 KE 012369-1329 N JDM# KPO CID RECCR FOR INX KEAL LA# S
 CN 236 N BUY# 100 COW 75# GTCN 9952-1# 1CCN N XW 426 012369-1329
 HU 328 N SLN 100 SCM 36# 5308-1# 10CN ASE 799 012369-1329H
 BT 95 N CXL BUY# 50 PX 27 N GTCN 2020-1# CXL N NCL 863 012369-1329#
 253 LA 210 TL ORD 012369-1329 N SLN 1000 ALPHA AIRLINES 5# GTCN TL 3573-1# 1000# S
 2942 EXT 404 AM 012369-1329 RL N SLD 100 CCN 51 N SILTN AL#

Pl. Pl. 115 checked
 at deposition of J. Singer
 on 3/29/72

87 91 N BUY# 100 C 4730-1 T BTH AV 314 C12769-12270
 CL 121 N SLW 100 AC 110W 2265-2W 100W N ASE 590 C12765-1230
 FA 126 N SLW 100 W 100 N GT 1-31W 3756-1W N AV 315 C12769-1228-
 28 OK 0 FAD AS 012769-1227 N ALL WIRES - MIDDAY PRICE GROUP SECURITIES# AERCSpace SCIENCE 1029-1125# COMMON S
 TCK 1522-1664# FULLY DAMIN 1004-1098# MIKE FALK FADW N
 2054 EXT 195 AV C12769-1227 RL N SLD 100 BMA 272# HZAS
 229 RL 290 AN C12769-1229 N SLD 100 LPT 251# MS
 2055 EXT 284 2A C12769-1227 SM N SLD 100 MSF 25# OPM N S
 FS 99 N BUY# 150 GFI 4KTH 4817-1W 150W N AC 563 C12769-1227
 56 LD 242 WPD 012769-1229 N MAG LDN 5409-1 SHO DR BAL 1053-02# SEMP CRDN S
 23 QI 0 FAD AS 012769-1227 N ALL WIRES - MIDDAY PRICE GROUP SECURITIES# AERCSpace SCIENCE 1029-1125# COMMON S
 TUCK 1522-1664# FULLY DAMIN 1004-1098# MIKE FALK FADW N
 23 CO 0 FAD NS 012769-1227 N ALL WIRES - MIDDAY PRICE GROUP SECURITIES# AERCSpace SCIENCE 1029-1125# COMMON S
 TCK 1522-1664# FULLY DAMIN 1004-1098# MIKE FALK FADW N
 2056 EXT 235 AN C12769-1227 LA N BUY# 100 MCC 202# MS
 2057 EXT 346 2A C12769-1228 FAD N ROT 500 GIS 34 N FF-6950-18
 698 CTC 74 LD WPD C12769-1228 N SLD 500 HARTED IND 54 N LD 4665-1W 500W S
 106 PX 309 AK 012769-1228 N SLD 5 10P 290# 3H46-1W S
 GX 77 N BUY# 100 PRX PR 393 N GTC N 5606-1W 100 N N AN 303 012769-1230E
 FS 100 N SLW 100 KCH MKTN 4817-1W 100W N AC 564 C12769-1228
 23 OF 0 FAD NS 012769-1227 N ALL WIRES - MIDDAY PRICE GROUP SECURITIES# AERCSpace SCIENCE 1029-1125# COMMON S
 TCK 1522-1664# FULLY DAMIN 1004-1098# MIKE FALK FADW N
 11 WRE 1578 CCAP C12769-1228 N 2A KAB 345
 616 SVR 1578 CCAP C12769-1228 N 2A KAB 345
 106 FS 0 FS NS 012769-1228 N HORNIE# ILL TRY AND SEE IF I CAN GET# ANY# FOR YOU# VE ALW S
 SF 90 N BUY# 5 LIT MKTN GTC# 6143-1W CFM 5W N NDL 763 C12769-12280
 101 FL 236 AN 012769-1228 N RF POT 200 P 744# FTC --DISREGARD ANS
 42 DU 310 AK C12769-1228 N SLD 2 1RM 2987# 9216-1W S
 44 BX 0 BX NS 012769-1229 N ALW CO VE A FAVOR# WHEN ANY# GETS THRU# PLS TELL HIM TT RONNIE SAYS TT FE IS AT CHELSEA
 N AND TT FE IS UNTIE EDWARD MC DUNHEELL/TTS THE NAME C N THE SHIP/ OK PLS TELL HIM TT FOR ME# INX/ LOVE RONNIE#
 33 CO 234 AN 012769-1228 N ROT 100 LPT 20 N 6063-1W HUP#
 120 CD 224 XW 10N C12769-1233 N RE SLD 100 AND 11 N DISREGARD THIS# NOT YCURS# S
 96 CND 115 EV 012769-1228 N QTE# ZEIGLER COAL# ZEIGLER COAL WARRANTS# HB EVN S
 81 SM 293 AA 012769-1229 N SLD 100 UVC 25-N O MKTV SM 101# S
 138 LS 45 KW CRD C12769-1229 N DTC LS N SL N 150 RESEARCH INC 21 NET U PAKE N DAY N 88-6745-1 N 150 N I TAKE 2 PC
 INT N N
 98 PZ 196 AV 012769-1228 N ROT 100 ZE 53# O S
 48 DS 295 AN 012769-1228 N ROT 100 UEP 226# 3312-1W KOPS
 83 DE 1609 CCAP C12769-1232 N DE REJECT# MISPLACD FIGS S OR AHEAD CODE CR CR CR LFN NRRL 96 DE N BUY# 100 KN MKT
 N 1198-2W
 87 RL 237 AN 012769-1228 N POSS DUPE# ROT# 2CC P 749# BL 102# MS
 62 IO 300 AK 012769-1228 N ROT 7 AKK 146# 3232-1W S
 121 TL 288 2B C12769-1232 N SLD 100 IAD 342# TL-2618-23
 42 DF 300 AA 012769-1231 N SLD 100 AGN A 74# GTC# 1699-1W S
 144 FF 15# CCAP 012769-1229 N FF REJECT# BAD ORDER SIDEN KAB THIS# NUMBER# ASE 180 FF# SIZE AND QUOTE# GAY WHEN IS
 SUFD FOR CRD#N
 649 CTC 114 LA 012769-1229 N HAKV# NORTHGATE EXPLORATION USE REH LA# S
 ON THE ANY VET AFEA PUT THRU# LES CRD# S

Pl. Pl. N6 marked
 at deposition of J. Singer
 on 3/29/72

KSN PAUL CRON #
 41 PAK O EN NS 012745-1550 # 1-93265716402AN 1-9345241655400N -932325165768N -93465516207254N -93465116311000N
 -931545164080104 -931773268000N -93613816173750N -93614016100000N -93536916158088N -93049126640000N -93589816178713N -9
 334011650000N -933931165155734 -9334
 93163000N -93001416144240N -93649416463900N -93293316100000N -9328331621229N -93191916394875N -93152316156875N -9327551
 6364756N -93164616756114 393275216104
 332N -93233016517344N -9337851630525N -9370621618473N -9302021636850N -93439316399931N -93265916214761N -9356231627875N
 -93398316457919N -9328121629294N -93
 12301611053N -93644161633835N -934642169693N 3980627061120836N 3934585162807N 3931745166500N 39315541628750N 3934319
 6116000N 393469716116000N 39314851615
 4530N 39337316154715N 39345771617243N 39345791625437N 393506716325000N 39300016330027N 39346551639065N 393447116968N
 20N -980627062676292N -93045416750N
 98062706150N ENH #
 67 PK O SF NS 012745-1554 # SANDY GEF I SFE WHILE YOU WAS SUPPOSED TO BE S I C K FRIDAY U WENT TO SCHOOL INSTE
 AD AND LEARNED SOME PRANDY NEW B I G WORDS HEE HEEE LARN #
 257 CGF 360 LS 012745-1550 # ROYLEN SENDING TODAY ARR 1 AND 2 GAVE LSN #
 92 LN 419 WRT 012745-1554 # HAD # 1-6225-1 # RE HARTER STILL IN CHAKSEED # SCHWARTZ #
 408 TAB HS PZ 012745-1551 # SLIM # RT 87-7704-1 SWENSON CONSTRUCTION CO GUST SAYS HE # DID NOT REC OUR PZ OK CF CC
 MMECE CK NDR 250N HATHN OCT 8 1968 FOR DIVN CN 100 CAL FOR \$125.00 PLS ADV AS TO # WHEN THIS CHK WAS DEPOSITED AND
 WHO ENDORSED SAME # VICKY PZ #
 283 CN 2411 CCAP 012745-1551 # CN KAA 381
 498 TAB 391 KC 012745-1552 # LUNDY RFF 5P34 EITEL # ALL HIS STOCKS HAVE BEEN TRADED THRU HU FROM WHATEVER # BROKER S
 PEAR AND SMOIT CROKES, WOULD YOU CHECK # WITH SPEAR AND STAFF IN GOSTON - THANK YOU # PELMER KCA #
 96 BX O RX NS 012745-1551 # AL-GOODNITE- CU TACK-MAYDE THEN... # BONNIE #
 497 TAB 393 CN 012745-1551 # POSS DUPE OF 381 # MAISON 1-23 ACTUAL DATE LCL NC 1 SOLN 50 WPK AT 112N PX 3516-1 80 T
 98 -9970-0 THIS DUPE NOT SHCN ON# 29 -9990-0 BUT SHEET WE ARE ADDING WILL U PLS # SEE THAT ITS PUT THRU THANKS # PEAN CN
 #
 124 EN 122 FND 012745-1552 # DOT 272 PURITAN FUND 13,234 LFSS 69N 3330-1N #
 1056 SVR 214 CY 012745-1551 # BANKS BACK UNDER CY NDR 143 CY NDR 144 #
 71 PA O SF NS 012745-1552 # WELL IF IT AINT MRS # I G B L A D B E R H C U T H # CF 1569..... LARRY
 SF #
 870 CHD 121 PB 012745-1554 # HADDADN PLS CANCEL INX CN MSG 115 REG FAN FOLD TO FOLLOW # RE 65-022-1 DND5 GULF CIL
 AND STANDARD GILF AND CFM CXL INX # TKS BARR #
 46 BAK O EV NS 012745-1553 # -33003216361197N -33003216361196N -33003216332294N -33003216332294N -3300321656446
 CN -3300321656446N -33003216255572N -33003216295871N -33003216434050N -33003216434050N -3300411640700N -3300411690700N
 -3300411690800N -3300411690800N -3300
 4116146319N -3301571617000N -3301571617000N -33351716217036N -33417916204572N -33435516156957N -33461516972317N -334632
 161361N -3346471622774N -334649161274
 95917N -33467616315767N -33515416163233N -33521616300N -33510916136342N -335671161244N -33576916610200N -33576116147428N
 # -33595216147992N -33702116359752N -
 33745616381434N -33711716191907N -3390611676021N -33960716434067N -33940716434067N 35864520624371128N 33355771693423N 33
 3479916511473N 33367516164231N 33349
 1416408478N 333614716170735N 33371471612375N 3339475162102N 333345016465240N 33301571610200N 3330157166000N 333576216717
 67N 3331713163000N 3336416162000N #
 336939165115N 3336947161750N 3332401640000N 3337177165800N 3330041167500N 3330049162500N 3334922164442AN 3330041164616
 09N -980652064461900N #
 1057 SVR O FF NS 012745-1551 # RE BANK STATEMENT # PETURA CCY ISN 219 FF # RE TAB CCY # IS 220 FF #
 225 RCH 200 KY 012745-1555 # ROTNEY DO YOU SEE ANY INDUSTRIES POSSIBLY EMERGING # FOR 1969 LIKE MOBILE HOMES DID IN
 68 THX # WELLS KY#
 1057 SVR O FF NS 012745-1551 # RE BANK STATEMENT # PETURA CCY ISN 219 FF # RE TAB CCY # IS 220 FF #

Pls. Pls. 144
 at Department of A. H. 6/19/52

717 COT 111 CA 013069-1214 # NURSERY 04-8254-1 ACCT SB EVEN RTS DIV OFPT OWFS CUST 20 RTS# RAY# \$
 806 DTC 31 NO ORD 013069-1213 # BUY# 200 HORIZON RESEARCH 24% CXL 26% NO 1097-14.200# \$
 77 EN 194 AV 013069-1214 # SLD 100 SY 49% 70%
 76 EG 238 WRJ 013069-1213 # R A C F JK AC 3703-2 THERE AS A EC DUE 1/27 FOR# \$1924.00 ADV# ANDY CRON# \$
 FA 126 # BUY# 100 PHL 54 # CXL 52# 38A9-2# # XW 310 013069-1215#
 36 DS 239 WRJ 013069-1214 # BARRY NO FC DUE TDY LAST DAY PAYMTS# 3086-1 FOR \$795.75# CPM CRON#
 77 EG 140 WRH 013069-1214 # U V WARRANTS TRADE DTC# WYATT RAIN#
 607 DTC 63 TO 013069-1216 # BUY# 50 MAGIC CHEF 32 OB# DAY# 1521-2# CPM# 1100# CRON# \$
 255 STA 89 PA 013069-1214 # STATUS REPORT SN 50 YB 51# GTC# 0331-2# PAN \$
 GC 174 # BUY# 100 D 70 # 4646-2# AN 264 013069-12143
 64 BT 141 WRH 013069-1216 # JK RACE # RE 82-4745 9144 RTS# SOLD 1-28 AND SHORT IN ACCT
 TN DAY ADV RETURN WIRE# GRC CRON# \$
 481 CRD 80 KW 013069-1214 # OOC # RE 98-7067-1 1 SURVEYOR FND BEING SLD TODAY # JILL KW # \$
 170 RL 256 AM 013069-1214 # SLD 200 LSI 25# REYS#
 2051 EXT 194 AV 013069-1214 EN # SLD 100 SY 49% 3964-1# EINS
 480 CRD 124 FA 013069-1214 # DANIEL# RE 2092-1 CLIENT IS BRINGING# STK INTO TOMORROW# HE HAS BEEN AS
 SN IT WILL BE HERE# ON FRI RON FAN#
 72 CSC 114 SN 013069-1217 # TED RYH ON MY WIRE TO LEN RYH 2509-9 I DEP 3M ETC# THIS WAS ADDRESS# 71 CF
 TO LEN IN MGN DEPT DON SN# \$
 478 SVR 1251 CCAP 013069-1215 # AV REJECT# MISPLACED FIGS S OR AHEAD CODE OR CR OR LFN GX 155 AV # \$ 1
 VS 200# GES
 96 RB 94 CY 013069-1214 # SOLD 50 WU 44 # RB 3020-2# \$
 2052 EXT 206 XW 013069-1214 SF # SLD 200 LEH 15 # SF 87# W#
 68 DE 170 WRD 013069-1215 # PETE DE# RTS SURVEYOR FD EXPIRE TOA# NEED INX 2081-2 LG 27
 43# RJL CRON# \$
 608 DTC 113 FL ORD 013069-1214 # SL# 1000 BARTER IND 73# 5025-1 RC# 1000# PLS QTE RACK# \$
 243 H# 380 WRA 013069-1222 # SLD 80 IRS COMPUTER CENTER 11# # 1795-1 \$
 LA 163 # SL# 10 BI MKT# 4898-2# 10 81# # NOL 643 013069-1214Y
 CP 77 # BUY# 500 RVA MKT NOT HELD# 3412- RC# 500 MKT NOT HELD# # AN 265 013069-1215T
 160 KC 172 WRD 013069-1216 # WILD KC# 3223-2 TFRD 2500, KCS TO 1# 99 CRD# \$
 97 RB 95 CY 013069-1214 # CFM SOLD# 50 WU 44 # \$
 PS 125 # SL# 500 AOL 19# 5733-2# # AM 3P6 013069-1215-
 75 AR 222 AB 013069-1215 # BOT 75 FSD 21% Q 22 LIT 5071-1\$
 98 RB 195 AN 013069-1215 # SLD# 100 TSC PR 20# WDW#
 65 POS 70 CJ 013069-1215 # MULLINS MAIL# ASSIGNED 25-7025-06 NEW ACCT# MACHINERY INC# J W C COLEMAN PPE
 BOX 2911# CHARLESTON WEST VA 25330# CJN #
 143 CGE 50 PK 013069-1214 # FAL RE 72-3324-1 ON 10/4 A DIV OF 12.00 WAS CRD FOR# 40 WASH WATER POWER CO
 10/22 ENTRY PUT THRU# TO CXL CR WHAY WAS THIS DONE CUST IS ENTITLED TO# 12.00 ADV SAP TNX# KAROL PK#
 CP 74 # SL# 84 BS MKT# 1500-1# # NOL 644 013069-1215D
 FL 114 # BUY# 100 WBS 61# 2523-2# 100# # ASE 671 013069-1214T
 84 SF 271 AA 013069-1215 # SLD 300 SBN 7 # O MKT# GTC# 0069-1# \$
 2053 EXT 265 AA 013069-1214 BO # POT 100 BVI 34 # 5016-1# \$
 41 WM 242 WRJ 013069-1214 # DOT ACCT 5787-1 CR BAL \$152.65# 3% CRON# \$
 72 PL 194 AN IGN 013069-1214 # HOW ARE U AND UR S GETTING # ALONG#
 49 CP 224 AB 013069-1215 # BOT 50 TST 8-# Q MKT# 0930-1\$
 2054 EXT 256 AM 013069-1214 RL # SLD 200 LSI 25# REYS
 217 O NONE OVER \$

PL. BY 1/15/92
 at deposit of 13.14
 on 6/9/92

E YOU USED WHEN U WIKED ABOUT THE 3M - GIVE US JUST THAT HEADER FOR THAT MSOW TEO CSC#
 90 SF 99 SF 013069-1224 # STA C O AK BOT 100 TAM 5611/16 956-1-RE UR SX 275 AAN PLS BUST TO 356-1 AN
 KS LARRY SF# #
 267 STA 93 NX 013069-1221 # REPORT STATUS /SN 100 LFM 15 # GTC# NW 0349-1# \$
 SHD 151 # # BUY# 30 CDC MKT# # ED CLOSE# 30# ASE 689 013069-1220
 62 CA O AK NS 013069-1223 # YR BUY 10 NR 39 OPN# CXL 39 OPN# NO ORDER AT 39 TO CANCEL# DO U WANT THE CRD
 495 CRD 168 LS 013069-1220 # LEONARD# RE 4642-1 LONG 105 NSP RTS PLS SUB TO 7 SHS# RECD \$189.00 TOY FRA
 158 CN O WRG NS 013069-1222 # BNY AMR CV 4--92 90-1# GARYS
 RB 120 # BUY# 100 AZ 7-# 4471-1# 100# # AM 397 013069-1221Y
 SHD 152 # # BUY# 20 CDC MKT# # ED CLOSE# 20# ASE 690 013069-1220
 496 CRD 89 AR 013069-1221 # RJL RE 656-2 TFR ALL LISTED STKS TO MGN# BUDDY AR# \$
 623 OTC 84 PB 013069-1220 # DUGAN# PLS CK PRICE RE SOLD 10 MARTHA WHITE 27# 65-0165-1 WAS QUOTED 31# \$
 ERDAY WSJ# PAUL PB# #
 135 FF 242 AK 013069-1220 # BOT 10 IBM 297# 2355-1#
 NH 126 # SL# 50 LTV MKT# GTC# 3989-1# # NOL 661 013069-12210
 KW 84 # SL# 200 FEL 24 # DAY # 88-0713-2 # 200 # # ASE 691 013069-12213
 128 GC 405 WRA 013069-1240 # SLD 400 FINANCIAL INTL CORP 3# 3519-1#
 74 SN 389 WRA 013069-1223 # SLD 200 HER MAJESTYS IND 18 FOK# YOUR OUT 13#-14- \$
 624 OTC 47 NH 013069-1221 # HARVEY ISRAEL# 19-0350 BOT 6 CALLS ALLIED CONTROLS ON 11-7-68 EXPIRE#
 LS WERE \$305, EA HOW DO WE PICK UP# OPTION# THANKS WHEN NH# #
 KC 187 # BUY# 500 GRI 7# GTC# 1641-2# 500# # AC 770 013069-1221#
 244 HB 285 AA 013069-1222 # SLD 100 TTI 7-# LVS 400# HB 263# \$
 94 LA 382 WRA 013069-1222 # SL# 1000 BARTED IND 7# # ORIG FL 5025-1# REPORT TO OTC NY# 1000# \$
 EG 84 # BUY# 100 PC 16# GTC# 3987-1 # 100# # XW 322 013069-12218
 78 AR 174 WRD 013069-1224 # MAC AR# HOPE YR VK# ENJOYABLE # 7494-1 1-29 WE DEL 1 AND 50
 CRD# #
 125 GC 229 AB 013069-1221 # SOLD 20 NYK A 47 # O 47 LT# 3221-1#
 2108 EXT 266 AM 013069-1221 WM # BOT 100 VRE 22# APPS
 60 HT 201 AV 013069-1223 # BOT 300 FOX 40# ON - LY# JEFFS
 WH 128 # SL# 50 LTV MKT # GTC OPG # 2042-1# # NOL 662 013069-1221
 89 CL 231 AB 013069-1221 # SOLD 100 LLA 35# O MKT# 2992-1#
 579 QBN 91 BL 013069-1221 # RACEN SCE 7-94# DMK BL# \$
 169 BND 157 US ORD 013069-1221 # BUY# 3M PEL 7- 89 101 # US 065#-1 # 3# # \$
 68 FL 381 WRA 013069-1222 # SLD 300 PRINCETON TIRE SHAKING UN...
 WH 129 # SL# 100 ASA MKT# GTC# 7-9-1# # AN 269 013069-12210
 221 TERM # # # # #
 92 DC 784 AA 013069-1222 # SLD 100 HF 36# 3827-2# \$
 2109 EXT 279 AA 013069-1221 OF # SLD 100 RCR 42# 2473-1# \$
 LD 85 # BUY# 100 ADX 18# 6143-1 100 # # XW 323 013069-1221#
 625 OTC 55 KM 013069-1221 # BUY# 100 THRIFT DRUG CO OF PEENN MKT# 3406-1# 100 MKT#
 497 CRD 90 AR 013069-1222 # LUONGO WHEN IS FIRST DAY LONG FOR PORK# BELLIES COULD GET DELV# GRESH AR# \$
 100 PP 26# 1247-2# SWABS
 2110 EXT 229 AB 013069-1221 GC # SOLD 20 NYK A 47 # O 47 LT# 3221-1#
 580 OBN 73 CJ 013069-1221 # QTE LTV DERS 5-8# \$
 626 CON 74 CJ 013069-1221 # MARJ TR# QTE CROWBANK MINERALS LTD# THANKS# D JONES CJ# \$
 WH 130 # SL# 50 LTV MKT# GTC# 2030-1# # NOL 663 013069-12220

Pl. Pl. 1/15/72
 at deposition of A.K.G.
 on 6/19/72

12594

HU

2305 EXT 279 ZA 013069-1237 EDP # SOLD 300 ACI 26 # TE-6983-26
 484 EDP 280 ZA 013069-1237 # BOT 100 GAF 28# # FA-2480-15
 2306 EXT 280 ZA 013069-1237 EDP # BOT 100 GAF 28# # FA-2480-15
 34 TE 0 SX NS 013069-1238 # BONNIE# LOVE, I JUST CAME BK FROM MY COFFEE BREAK, # HOW ARE TH
 SX# #
 FF 199 # BUY# 100 UNT 12 # 2515-1# 100# # AC R03 013069-12379
 129 LS 288 WRF 013069-1238 # SLD 5 NSP RT 12/64# CPTS# LS-0056-15
 47 NB 166 WRC 013069-1237 # CATHERS 13-5002-2 RE YR WIRE OC TRANSIT SYSTEM# I DID NOT
 15 REASON I WIRED UN# LENNY CGE#
 108 RB 317 AA 013069-1237 # BOT 100 APT A 13# RB 108# #
 SN 131 # BUY# 100 AKF 10# GTC# 2945-1T# # AV 348 013069-12374
 485 EDP 281 ZA 013069-1237 # BOT 100 AMD 12- # RB-0790-15
 2307 EXT 317 AA 013069-1237 RB # BOT 100 APT A 13# RB 108# #
 662 QTC 98 PA 013069-1237 # BUY# 100 DATA SCAN 22# 1215-1# 100# #
 109 RB 222 AN 013069-1239 # SLD# 200 TSC PF 20# LVS 500 AMD 300# DS
 2308 EXT 281 ZA 013069-1237 EDP # BOT 100 AMD 12- # RB-0790-15
 PS 141 # SSHRT# 200 NCD 12# 8735-3# # ASE 733 013069-1237P
 KY 138 # BUY# 20 TY MKT# 2676-1T # NOL 695 013069-1238H
 75 FL 129 SX 013069-1241 # BARTER IND -OK- SX# #
 663 QTC 132 SN ORD 013069-1237 # BUY# 50 HARTFORD FIRE INS CO 51# SN 871-1T# 50# #
 18 AA 165 SHD 013069-1237 # DENNIS# QS AND L # KIN THE MACH# IS RONG# ALG#
 DE 98 # SL # 100 TXI 35 # CKL 17# # C642-2 # 100 # # AM 427 013069-1237
 LD 90 # SL # 100 FNR MKT # 6813-1 # 100 # # ASE 734 013069-1237
 145 BO 285 WRF 013069-1237 # BOT 100 CN 52# BUST PX 55# # BO-3826-15
 49 WM 167 WRC 013069-1237 # MATTIE PE 1-29 1495-1 SOLD 200 UTC 7# # 1575.00 29.76 10.00 .03#
 486 EDP 282 ZA 013069-1237 # BOT 200 CMN 30# # CP-4658-25
 2309 EXT 318 AA 013069-1237 HB # SLD 400 TTI 7-# HB 263# #
 73 POS 87 HQ 013069-1238 # MULLINS ASSIGN# 41-7538-08# MR JAMES A MOORE# MRS BEVERLY J
 HUNTINGTON W VA HQ# #
 50 WM 168 WRC 013069-1237 # MATTIE RE 1-29 6125-1 B 10 ARX 96# 96.25 5.78 TTL 102.03# JEN
 141 FF 246 AB 013069-1238 # BOT 400 GAY 43# 1254-2# #
 2310 EXT 282 ZA 013069-1237 EDP # BOT 200 CMN 30# # CP-4658-25
 3C BX 0 CPB NS 013069-1239 # RE BOT 100 BVA 50# LVS 500 THIS# SHD READ LVS 100 ACCT GNFS #
 CA 107 # BUY# 100 PLT 28# 30 DN PURCH# GTC# 0352-1T# 130# # AV 349 013069-1238B
 237 CZ TMUP
 554 CRD 129 FL 013069-1237 # LOBE RE TDE 1/22 SALE 100# WE GOT ACCTS NBR# FROM RICH MCH
 87 SN 299 AC 013069-1242 # BOT 100 FKH 14# GTC# 2384-1T#
 487 EDP 283 ZA 013069-1237 # BOT 500 BE 17- # GE-0234-1 RCS
 2311 EXT 283 ZA 013069-1237 EDP # BOT 500 BE 17- # GE-0234-1 RCS
 102 KW 105 CY 013069-1240 # SOLD # MAY WHT 136# KW 0027# #
 PL 05 # BUY# 100 UNT 12 # 2515-1# 100# # AC R03 013069-12379
 115 GX 286 WRF 013069-1237 # SLD 50 CLU 34# CPTS# GX-4311-15
 116 GX 401 WRA 013069-1237 # BOT 12# CMS 52# 90# 3891-15

Pl. by 1/15/72
 at deposition of R. J. G.
 on 6/19/72

FURTHER CONTINUED TO AVOID ALL THREE STKS# MILLER RCH# #
 571 CRD 270 CN 013069-1247 # VAS SHIP CN NEG0 98-9990# 100 GT LAKES DREDG & DOCK CO COMM VAL 2-4 BILL# S
 11A RB 113 CY 013069-1246 # CFM BOT# 2 OXY 47 # S
 94 EN 178 WRC 013069-1247 # KRISSEN RYM DC TRANSIT 93-0128-2 93-3976-2# CHECK TODAY'S SHEETS PLS ADV# LENNY CGES
 47 TO 118 CY 013069-1248 # SHANK TO GRAIN CFM BOT# 1 PBG 3310# S
 217 LA 301 ZB 013069-1246 # SLD 100 AM 67# LA-5015-1S
 GC 183 # SL# 200 NCD MKT# 2134-1# 200# ASE 760 013069-1246
 82 SX O FS NS 013069-1247 # GEEFFEE LEEEEED LUV# IM SORRY# GOT AWFULLY BUSY HERE# AND IVE GOT 2 ERRORS TO CLEAR U
 P# DMH# HE--# # 9FTTER TALK LATER# C U# SORRY LUV# LUV YAN R#
 EG 96 # SL# 100 CCI MKT# DAY# 1076-1# 100# AV 360 013069-1247
 136 LS 305 WRF 013069-1247 # SLD 5 NSP RT 12/64# CPTS# LS-4214-1S
 626 QTC 231 AN IGN 013069-1248 # DAYTON AVIATION PLS# TONY# THX BERT ANS
 30 RG 19 RG 013069-1248 # NYR 1 1/30/69# 200 FOAMAT 8# 8 78-2861-1 PLUS COMM S 74-9900-1 NET# PT-BGN# S
 2403 EXT 301 ZB 013069-1246 # LA # SLD 100 AM 67# LA-5015-1S
 174 CN 302 ZB 013069-1246 # SLD 200 VAR 34# CN-5791-2S
 302 STA 287 CN 013069-1254 # NOL RE 177 CN 270 AK# BOT 50 FCI 290 PX GOES 790# ACCT GOES 97-9917-4 OFFICERS ACCT JE
 R# #
 137 PX 311 WRF 013069-1250 # SLD 100 USF 13-# BUST 500 SHS-# SORRY AL# PX-1773-2 ASE#
 86 UX 184 WRC 013069-1249 # HARRY UX LIT- STILL APPEARS CAPABLE OF MOVING LOWER, STK# HAS RECENTLY MOVED THRU MAJO
 R SUPPORT AT 63-65 THEREFORE# WUD EXPECT FURTHER DECLINE INTO THE MID 50S.# WUD CONTINUE TO AVOID FOR THE TIME BEING#
 MILLER RCH# #
 35 LY 303 AC 013069-1249 # SOLD 100 PKL A 27E# O MKT# 6229-1S
 2404 EXT 302 ZB 013069-1246 CN # SLD 200 VAR 34# CN-5791-2S
 20 FL 420 WRA 013069-1248 # SL 1000 BARTER IND 7# 5025-1 # RE 113 FL OFD# SL 1000 BARTER IND 7# CANNOT LOCATE A
 NY MKT ARNIE# NX 421 WRA# SLD 100 DEXTRA CORP 4C# 0093-1#
 WP 126 # SL# 200 BDR MKT# GTC# CXL 33# GTC# 200# AN 293 013069-1247N
 SM 113 # SL# 100 KIN MKT# 100# POSS DUPE# # ASE 761 013069-1247U
 132 GC 241 XW 013069-1249 # SLD 400 AMO 12-# 12-- # 4587-2# B-2 HWK-2#S
 555 SVR 1378 CCAP 013069-1247 # WH REJECT# HEADFR FORMAT ERROR# EEEFFEEAAAAANRL 148 WH# BUY# 100 APY 15% # GTC# 38
 78-1#
 64 OH 211 WRD 013069-1247 # JOE OH# SY WILL MOST LKLY ENCOUNTER RESISTANCE 50-52# NO OBJECTIVES CURRENTL
 Y READABLE# MON APPRS TO HV UNDERGONE SIGNIFICANT DISTRIBUTION# IN 30 AREA AND WUD NOT BE SURPRISED# TO SEE S
 TK MOVE INTO LOW 20S# BASE NOT VIS
 IBLE AT THIS TIME AND WUD# BE INCLINED TO AVOID MILLER RCH# #
 31 WPS 100 BL 013069-1247 # SCOTT LONG# JAMES STONE DBAN STONE INVESTMENT CO# SECURITIES BUSINESS IS THE BUYING AN
 D SELLING OF EVIDENCES# OF DEBT OR OF PROPERTIES AS A BOND STOCK CERTIFICATE# OR OTHER INSTRUMENT# NERNEY BL# #
 686 QTC 296 HU ORD 013069-1247 # SL# 125 EQUITABLE SAVINGS & LOAN ASSOCIATION OREGON MKT# 9647-1# 125S
 RTRA3 CZ O SPVR NS 013069-1247 # TEST FOR CZ DID U REC# #
 269 HB 308 WRF 013069-1247 # SLD 54 IBM 296# HB-6301-1S
 2405 EXT 303 ZB 013069-1247 # KC # BOT 100 IGC 46# KC-1257-1S
 SM 115 # SL# 100 A7 7# GTC# # AN 442 013069-1247
 35 FX 212 WRD 013069-1247 # MCM FX# LIT RECENTLY BROKE MAJOR SUPPORT LVL 63-65# THERE IS NO SIGN TT
 # STK ABT TO BEGIN RALLY# FURTHER SELLING PRESSURE IS ANTICIPATED THEREFORE# WUD NOT BE INCLINED TO AVG AT THIS T
 IM# MILLER RCH# #
 PD 90 # SL# 100 RU MKT# GTC# 65-3891-1# # NOL 726 013069-1247P
 SM 114 # SL# 100 ACL 11# GTC# 100# ASE 762 013069-1247S
 65 CH 185 WRC 013069-1249 # FRED SORRY PP IS ONE OF THE FEW CHART ON THE NYSE# WE DO NOT CHART# MILLER RCH#
 81 CSC 285 CN 013069-1254 # FRANK PLS ASSIGN OUR CZ TO CY REPEAT CY# WE SELDM GET ANYTHG HER# EXCEPT OH NBR# BUT
 TODAY# WE BE THE DAY INV TO CN# #

Pls. Ed. by Tomelbed
 at suggestion of A.S. by
 on 6/19/72

52 STA 40 BRM 013169-0935 # ASE# LOOKING FOR REPORT# SELL 1 DCT A # BALANCE DUK NR# 21
 5 GTC# 43-2738-1 58-2396-1# RECD HU 286 AB SLD 100 DCT A 5 GTC# HU 214 BRM#
 CD 47 # BUY# 200 PGM 204# 200 204# # AV 85 013169-09365
 180 DTC 20 NH NH 013169-0935 # SL# 20 SO NEW ENGLAND TEL MKT# 1020-1# POSS DUPE#
 CN 2 # BUY# 100 T MKT# 30 ON TRADE# DAY# 444-1# 100630 1# # AN 68 013169-0935
 9 SX 49 BRM 013169-0936 # REED# RE SUNSHINE MINING, SORRY BOOKS CLOSED CN OFFGN JAC
 14 BO 33 TL 013169-0940 # QTE DIVERSIFIED TRUSTEE SHARES SERIES CN BILL TL# \$
 CN 5 # SL# 100 UK MKT# DAY# 1168-1# 100# # AN 69 013169-0935#
 5 HS 71 WRD 013169-0937 # BOH HS# 6807-9 OKP 1054,00 JACK CRD# \$
 181 DTC 17 EL ORD 013169-0935 # SL# 100 ZAMBIAN ANGLO AMERICA AOR 5# GTC# EL 4466
 53 STA 21 SM 013169-0935 # DUNN ASE STAN RE 100 AZ 7 ETC# SEE OUR NR# 115 AS OF Y
 GX 14 # SL# 22 JAC 29 # GTC# 5219-1# # NOL 187 013169-0936
 CN 4 # BUY# 200 AZ MKT# DAY# 6504-1# 200# # AM 75 013169-0935
 PT 20 # SL# 100 LFR 18# GTC# 2590-2# CFN 100# # ASE 152 013169-09350
 22 CN 412 CCAP 013169-0935 # CN KAB 3
 78 SVR 412 CCAP 013169-0935 # CN KAB 3
 182 DTC 14 NB ORD 013169-0935 # SL# 1000 PERUVIAN OIL & MINERALS 2# NB 0329-1# 1000
 76 AM 76 SHD 013169-0938 # ED WATSON BOB OILL# ALL FONE ARE# OUT HERE GWK# \$
 11 CNO 21 RB 013169-0935 # Q WILSON LEASING CO BEV RB# \$
 79 SVR 416 CCAP 013169-0935 # GX REJECT# HEADER FORMAT ERROR# NRIT3 GX # BUY#
 100 #
 CJ 28 # SL# 200 HEC 5 10/16# 2177-1# 200# # AC 160 013169-0935
 CN 6 # SL# 100 GSC MKT# DAY# 8074-1# 100# # ASE 153 013169-0935H
 US 14 # SL# 100 GR 65# 4704-1# # XW 99 013169-0935-
 54 STA 53 LS 013169-0935 # MARC ASE# OS 200 NID 9 AYS# OS 100 APA 38# LVS 100 AYS# AB 1
 54 #
 34 LA 68 WRD 013169-0937 # DR LAN 47-6718-1 LG SOUTHEASTERN PUBLIC SVC# SUG U RE
 TENDER# TO DWG EASTERN GS FUEL ASSO BOSTON MASS# HAS MDE OFFER TO CHBINE SOUTH#
 RN AND# IT SEEMS TT THIS PROPOSAL
 # BTR THAN TT OF DWGN U ARE ONLY ONE WHO WANTS TO TENDER TO DWGN PCS ADV ASAP
 XPIRES TCA LENN CGE# #
 PT 21 # BUY# 100 ELO 15# GTC# 2590-3# CFN 100# # AC 161 013169-0935#
 CP 7 # SL# 400 CGE MKT# 50 ON SALE# 9275-2# 400/MKT 50 ON SALE# # AN 70 013169-09
 183 DTC 34 FL ORD 013169-0936 # SL# 500 BARTEP IND 6# 6249-1# 500# \$
 FL 32 # SL# 100 AM 67# 2097-1# # XW 100 013169-09359
 CN 7 # SL# 200 LSP 7# DAY# 1100-1# 200# # ASE 154 013169-0935T
 935 L UP
 12 FL 26 AA 013169-0937 # NOTHING DONE# AO 1/30# SL 300 MPI 21-# ERD# \$
 PE 6 # SL# 60 EXQ A 11# 0905-1# ACH # ASE 155 013169-09351
 935 TERM BO LINE 004 NO RESPONSE TO TSC 3
 935 TERM BO LINE 004 NOW RESPONDING
 10 DC 65 WRD 013169-0936 # BRUYN# 8341-1 OKP 14920,22# JAB CRD# \$
 55 STA 13 HQ 013169-0936 # JEN AS OF 1-30# FAILED RECEIVE MM CNFM# SLD 50 DTC 15# FC
 5# WHITE HQ# #
 17 KC 23 WRH 013169-0945 # RE CFMS 1-30# U FAIL AS 100 NID 10# 2065-1# AS 50 SDE
 B 6342-1# AS 200 DIL 4# 6701-1# PLA ADV MARC ASE STAN #
 CN 8 # BUY# 100 TCA 13# DAY# 5919-1# 100# # ASE 156 013169-0935
 72 # SL# 100 KBC 11# GTC# 3169-0935#
 5 GX 412 CCAP 013169-0936 # CN KAB 3

8 and 14/8
 of 1/30/72
 1/30/72
 1/30/72

HUX

11/31/69
 23 CMA 31 TO 013169-1047 # BUYN 1 CAK MARCH P BELLIES 3235# DAY# 2057-7# CFH 1 3235# \$
 64 KC 84 WRC 013169-1051 # TYGETT KC RACE- RE BK 830 ON 1-29 OUT 3 CTS PLS ADVN ON CK REC
 47 DC 110 AA 013169-1047 # ROT 50 VIC 15 # Q MKTN 4982-1# \$
 667 EXT 118 AM 013169-1047 # PS # SLD 200 CF 26# MN / IN LOTS/\$
 GX 55 # SL # 300 WDF 10 # 9905-1# 300 # N AC 392 013169-1048
 47 PX 109 AA 013169-1047 # SLD 200 EXO A 10# 3450-1# \$
 668 EXT 109 AA 013169-1047 # PX # SLD 200 EXO A 10# 3450-1# \$
 BL 57 # SLN 500 TMA 8# DAY ORD# CXL 7# GTCN 1221-2# 500# N ASE 387 013169-1048A
 91 HEND 98 KC 013169-1048 # SLN 600 NAL 47# 2589-2# 600# \$
 PL 46 # SLN 200 WHX MKTN CXL 35# 5849-2 # 200 # N AV 221 013169-1048
 36 RB 37 CY 013169-1047 # BOT 50 AMD 21# ON 72# LMTN RB 1013-1# \$
 NO 18 # SLN 2 IBK MKTN 1389-1# 2# N NOL 426 013169-1047
 432 OTC 19 NO ORD 013169-1048 # SLN 300 MEDIC CARD INC 8# GTCN 0530-1# 300 GTCN \$
 48 PX 823 CCAP 013169-1048 # PX KAB 123
 669 EXT 119 AM 013169-1047 # RL # SLD 100 CF 26# BACS
 NH 51 # BUYN 10 ZE 55# DAY# CXLN 10 TRL# 0156-1# N NOL 427 013169-1047-
 80 LS 54 PT 013169-1049 # OREGON FREEZE DRY FOODS 45-6# PTN \$
 BR 144 # BUYN 50 AS 62# GTCN 50 62# N NOL 428 013169-10481
 37 RB 38 CY 013169-1047 # CFM BOT# 50 AMD 21# \$
 100 RL 120 AM 013169-1048 # SLD 100 CF 26# EFHS
 670 EXT 81 ZA 013169-1047 # EDP # BOT 100 CF 26 # DE-9805-1\$
 147 STA 37 DU 013169-1049 # ASE RE 20 DU 98 AA BOT 200 PSD 16 DU 28# ORD READS 500 SHRS
 96 EDP 82 ZA 013169-1048 # BOT 500 MGM 39# HU-4328-1\$
 671 EXT 110 AA 013169-1047 # DC # BOT 50 VIC 15 # Q MKTN 4982-1# \$
 51 FL 198 WRA 013169-1048 # RE SL 500 BARTER IND 6# CANNOT LOCATE MKT ARNIE \$
 27 DF 157 SHD 013169-1050 # SLD 100 LEH 15 # DF 2983-1# \$
 74 CN 53 PT 013169-1048 # CONDRIN CNW DATA PACIFIC 62-7# PTN \$
 24 CMX 38 TO 013169-1047 # BUYN 1 CAK MARCH P BELLIES 3235# DAY# 2057-7# CFH 1 3235# \$
 38 RB 826 CCAP 013169-1048 # RB REJECT# DK WIRE CODE# ECMW 47 RB ORD# POSS DUPE BUY CF CRT
 13-1# 50#
 48 DC 111 AA 013169-1048 # SLD 25 ME 31# Q MKTN 453# N# \$
 672 EXT 82 ZA 013169-1048 EDP # BOT 500 MGM 39# HU-4328-1\$
 404 QTC 87 SN 013169-1049 # TASSETEE INC 6880 CV SUB DEB WITH WS SN# \$
 433 OTC 64 PA 013169-1048 # PLS REPEAT UR NDR 134# IT CAME IN VERY GARBLED# TNX PA# \$
 97 EDP 83 ZA 013169-1048 # BOT 100 LSI PR 65 # 03-0100-0\$
 673 EXT 120 AM 013169-1048 # RL # SLD 100 CF 26# EFHS
 101 RL 121 AM 013169-1048 # SLD 100 CF 26# EFHS
 80 89 # SL # 100 AM 69# 3296-1 # N XN 266 013169-10485
 167 AN 152 SHD 013169-1048 # RUSS-SEE YR 60 AN# SLD 800 GO 43# THIS GOES ON 43 LT ON# GT
 ONLY ON 700# SHD ADV WARD
 RA 38 # BUYN 100 ACE 8# 0120-1# 100# N ASE 388 013169-1048L
 WH 91 # SLN 100 UP PR 10# GTCN 3178-1# N AN 242 013169-10488
 35 NYC 54 HQ ORD 013169-1048 # SELL# 5 MAY SUGAR 3.16# 6692-7# 5# \$
 50 DC 81 AC 013169-1048 # SLD 200 PL 31# 2809-2# \$
 675 EXT 83 ZA 013169-1048 EDP # BOT 100 LSI PR 65 # 03-0100-0\$
 52 FL 0 WRA NS 013169-1048 # UNIVERSITY COMPUTING 142-4# PEND PROGRAMMING SYSTEMS 11-# \$
 98 EDP 84 ZA 013169-1048 # ROT 200 REV 82 # DS-C011-1\$

Pl. Ext 146 marked
 at deposition of H. Key
 on 6/9/72

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261 CND 98 CN 020369-1100 # VAS SHIP CN NEGO 98-9990# FOR DELVY TO 90-9855-1# 10 BERNIS AIR KING CORP VAL 2/7 TAY# \$
 NW 56 # BUY# 100 POY 16# DAY# NW 8341-1# 100# AC 428 020369-1100-
 37 CH 66 AB 020369-1100 # SOLD 100 AZ WS 4# 3595-2\$
 763 EXT 144 ZA 020369-1059 EDP # SLD 100 HJ 50 # EV-4543-1 \$
 262 CRD 50 JB 020369-1100 # VAS RE 30-4818 PLS SWITCH STK FROM CASH TON MARGIN# EC JB# \$
 117 EDP 145 ZA 020369-1100 # SLD 100 X 47 # GC-5450-1 \$
 764 EXT 139 AC 020369-1059 SN # SLD 20 HYL 43# GTC# 2085-1# \$
 113 HU 46 WRC 020369-1101 # BOT 500 MERCURDOME GOLD MINES 4# 9695-1\$
 77 DC 130 WRC 020369-1100 # VERNOC RE 0166-1 SHOW BOT 700 AND 500 HOST INTL# AT 36% SUSS CRD\$
 25 HQ 33 AM 020369-1100 # BO #BOT 100 UCC 56# HQ59# ANDR# 50-6 \$
 41 FL 114 WRA 020369-1100 # RE SL 500 RAPTET IND 6# 6249-1# CANNOT LOCATE MKT ORDER CXLD ARNIE OTC \$
 102 SN 71 AB 020369-1101 # SOLD 100 PEN 7# GTC# 3970-1\$
 765 EXT 31 AM 020369-1059 HU # BOT 100 CNV PRB 55# SLVS900# HUB239-2# EHS# \$
 112 HU 32 AM 020369-1100 # BOT 900 CNV PRB 55# 8239-2# CMPTS# EHS\$
 766 EXT 145 ZA 020369-1100 EDP # SLD 100 X 47 # GC-5450-1 \$
 166 STA 133 SX 020369-1100 # JIM DOWN ASE STAN RE CONF 1/31-69 YOU SAY.....# FIL OUT BUY 30 RUG 44- -OK AYS# \$
 ALSO SAY DK ADD SELL 100 GRI 8 -SEE OUR ASE 49 SF# SL 100 GRI 8 GTC 4583-1 ENTERED 1/31 AT 11.30 YOUR TIME# - BY
 AY IT WAS EXECUTED. MINUTES AGO LEO SX
 35 PL 120 WRA 020369-1101 # RE SL 80 # AMERICAN ASIATIC OIL HRY 3559-1 ORDER CXLD MKT # IN JERSEY ARNIE OTC \$
 80 111 # SL # 100 CUD PRA 25# 7101-1 # PRA # # AN 177 020369-1100
 266 CRD 99 CN 020369-1102 # VAS SHIP CN NEGO 98-9990# FOR DELVY TO 90-9855-1# 300 CLOW CORPP VAL 2/7 TAY# \$
 118 EDP 146 ZA 020369-1100 # BOT 200 RTN 45# GE-0517-1 \$
 767 EXT 140 AC 020369-1100 NW # BOT 50 SKU 56# NW 17# \$
 39 EG 131 WRJ 020369-1100 # BOB# RE 2251-1 WHAT ARE YOU DOING ON THIS YR LAST WIRE# 1/7 SAYS ORDER WILL BE E#
 TERED SOON ADV # ANDY CRD# \$
 167 STA 69 NX 020369-1100 # NOL RE BOT 20 AYP 25# NW 9011-1 GCES NW 8011-1# LUCILLE NX# \$
 79 DC 130 WRJ 020369-1100 # ANITAN 0272-1 782.64 VS 25 ESPEY MFG# 0273-1 1267.72 VS 40 ESPEY MFG SUSS CRD# \$
 27 NX 73 AB 020369-1101 # SOLD 100 ESP 30# Q MKT# 9801-1\$
 768 EXT 111 AV 020369-1100 DC # SLD 100 X 46# DC 127# FAULKNER\$
 42 FL 116 WRA 020369-1100 # SLD 100 TRANS EAST AIR 11# ADDL# 5721-1 \$
 18 BY 33 NB 020369-1100 # RENOLDS PLS ADV WHAT HAPPENED TO 800 SMITH# TRANSFER STAUNTON VA TO BUY 200 OB THEY WERE
 OR# PLS ACK BACK DID I BUY STOCK RAGE PLS# CATHERS NB# \$
 SM 50 # CXL SL# 50 IHS 31# GTC# CXL 50# # NCL 572 020369-1100K
 49 KY 133 WRJ 020369-1104 # HESH SHIPPING REGO PKG D90646 DTD 1/31# # BOYLE CAGEN \$
 81 BO 34 AM 020369-1100 # SLD 100 MIC 29# BO96# BRADS
 80 DC 112 AV 020369-1100 # BOT 100 C 52# DC 126# SH\$
 769 EXT 146 ZA 020369-1100 EDP # BOT 200 RTN 45# GE-0517-1 \$
 119 EDP 147 ZA 020369-1100 # SLD 200 X 47# BT-1216-1 100# BT-2978-1 100 \$
 770 EXT 141 AC 020369-1100 PL # BOT 50 VOC 11# 8595-1# \$
 DC 133 # SL# 10 PN MKT# CXL 30# GTC# 3892-1# NOL 573 020369-1100T
 22 NO 25 NO 020369-1100 # MIKE FALK# THREAT OR PROMISE# GINGER NC# \$
 771 EXT 32 AM 020369-1100 HU # BOT 900 CNV PRB 55# 8239-2# CMPTS# EHS\$
 TL 101 # SL# 42 LGY MKT# DAY# 9581-1# 42# AC 429 020369-1100R
 16 WM 34 LY 020369-1104 # ROGERS# TASSETTE 17#-19# 5- 3553 A & B WTS 11-13# OIL SECURITIES & METALS 2 -# \$
 475 GTC 134 SX ORD 020369-1100 # BUY# 65 DURIRON MKT# GTC# SX 1020-1# CFN 65# \$
 46 CL 55 WB 020369-1102 # B 1 MARCH 70 SILVER 2198# ON 2200 LTN UR 23# 2163-7\$
 51 BL 121 WRA 020369-1101 # BOT 100 ELECTRONIC MEMORIES 56# 1983-1 \$
 84 RCH 87 US 020369-1101 # ENSINGER RCH HU RE DPC WHY RECENT WEAKNESS IN STK AND # WHEN IS MERGER WITH SEM TO RE

Pl. Ex 147 moved
 at deposition of B. Reg
 on 6/9/72

00 24 # BUY# 4 ER 4281-11# NOL 369 020469-1000T
 CN 58 # SL# 60 WHX 40# GTC# CXL SL# 60 WHX 40# DAY# 6148-1# 60# 0 NOL 369 020469-1000A
 14 JB 0 WRG NS 020469-1004 # EC# NYLON ENGINEERING 11#-12# SUB#
 262 QTC 21 BT 020469-1000 # Q TEXAS YENN IND MAX BT# 3
 263 QTC 22 RT 020469-1001 # Q FREE STATE GEDULD # Q WILDON MINES # Q WESTERN HOLDING # Q PRESIDENT STAN MAX RT
 CJ 45 # BUY# 5 G# MKT# 4981-1# # NOL 370 020469-1001
 FA 31 # SL# 50 PNN 18 # DAY# 0301-1# # AC 224 020469-1001H
 76 TAB 38 HQ 020469-1001 # JEN AS OF 2-3# FAILED RECEIVE# MM CNFM# BOT 10 GRX 16 HQ 7208-1# PLS SEND FIGS# T
 MNX WHITE HQ#
 26 FL 0 WRG NS 020469-1003 # QT DURCHUS 13-4#
 320 QTC 21 CP ORD 020469-1001 # SC# 100 SECURITY NATL BANK OF LG ISLAND 52# 69-4400-1# VIA CP FULL CR CP# QTE
 IF UNABLE#
 10 PK 22 KM 020469-1001 # PLS QTE CONSOLIDATED SILVER# OCONNOR KM# 5
 59 LA 21 WRA 020469-1001 # PCX# BUY# 100 UTPV 46# DAY# PLS RPT BACK TO QTC# ORIG IN HU# 100 46 \$
 DU 25 # BUY# 4 ER MKT# 4562-1# # NOL 371 020469-1001T
 KC 56 # BUY# 5 AC 56# GTC# 1849-1# # NOL 372 020469-1001D
 25 PZ 0 WRC NS 020469-1002 # JIM RE THAY MSG PLS #K THAY# READ IN 1 TO 2 OKAY EY# RICCI#
 CN 59 # SL# 22 UCL MKT# DAY# 5539-1# 27# # NOL 373 020469-1001I
 264 QBN 72 TL 020469-1001 # BNY # RVW YES WE SHOW OPEN# BUY IN GRC 46-94 AT 87 ENTO 127276# BARB YEN \$
 321 QTC 19 LD 020469-1001 # DUGAN # AY ENTERING MATCHING ORDERS FOR BUYS AND SELL # OF 1000 BARTEP IND AT 5- PLS C
 RUSS # THANKS JJS LD #
 265 QBN 43 SX 020469-1001 # PLS QTE# GH 5-187 OLD# IND 54/93# WSH 54/92# PSI 5-188# AAE 5/92# MGM 5/93 SHAW S
 X# #
 135 CRD 61 CN 020469-1005 # VAS WE NED 100 JOHNSON STEPHENSON & SHINKLE# SHOE CO WHICH WE ARE FAILING TO DLR ON HI
 DWEST # PLSE HAVE CAGE SHIP IT TNX PENY#
 12 CD 35 WRH 020469-1001 # KEN # RE ERROR ON ASH 50 SHRS SORRY CANNOT BUST TRADE # STA ASE ED \$
 SH 53 # BUY# 300 FPC MKT# GTC# 98-0147-0 OTT# CLOSEOUT AT 2# 300# # XW 127 020469-1001
 13 PR 5 AN IGN 020469-1001 # AS OF YDAN SLOW 100 NS 52# GTC# KCP#
 60 LA 31 TO 020469-1002 # BOB# WELL NO EXCUSE HR ON THIS# SR# F TO# \$
 109 CRD 21 KM 020469-1001 # LES RE 4831-1 HAPRISSON ON 12/19/68 WE# CREDITED ACCT WITH \$6 BO# # DIVIDENT HE ALSO#
 RECD THIS DIRECT LY FROM THE COMPANY# OCONNOR KM#
 19 FXT 6 XW 020469-1002 SHD # BOT 300 CFI 103# 10--Z OPENED AT 10 84U# 98-0147-0 OTT# W \$
 001 TERM TO LINE 016 NCH RESPONDING
 5 WM 104 WRD 020469-1001 # BET WY# 4176# HV 27 SQUIBB BEECH IND JOHN HODGIN # DO U WANT TO REC IN
 ADV# PAUL# CRD#
 29 FND 47 PR 020469-1002 # KINGSLEY# ON 11-25 YU WIRED WADLE THA YU HAD RECD CK FOR 1976.00# FR MASS CO ACCT CARL
 L JOHNSON PLS CK AND# ADV WHEN THIS WAS CR TO PR# OFC MANY THX FOR YUR HELPS ER PB#
 14 CD 59 WRC 020469-1004 # KEN WE HV BUSTED U MUST REENTER FRM YR END RE # APL# DOLORES STAS
 001 Q NONE OVER 9
 EL 23 # BUY# 300 WT 3 # ADR# 1170-1# 300# # AC 225 020469-1001R
 108 CRD 49 EG 020469-1001 # ANDY# RE 76-3505-1 CST CREDITED \$12.51 ON 1/15 FUR ADJ # ON INTL TEL AN TEL ENTRY CYCLE
 D 1/17 WHY CXLED I SENT COTD # BILLINGS TO CST WITH CREDIT # CAN U ADV # JKS EG#
 88 FGN 40 GC 020469-1001 # GASTON FLEMING LONDON HAS REPLIED# SAYING THEY ARE UNABLE TO PROTECT OUR# INTEREST IN O
 ENNYS ADV# NAMES OTHER SYNDICATE MEMEBERS IF AVAILABLE# PETER GC#
 110 CRD 23 BX 020469-1001 # NURSE# PLEASE ADVISE WHY 562 50 PAID 69-6800-1 I WILL ONCE SEPT# 16 AND AGIN NOV# 8 CIV
 2500 STOP AND SHOP CREDIT NOV 8# BAKER#

Pls copy all included
 at disposition of Alex
 on 6/19/77

278 QBY 28 KY 020469-1004 # PLS QTE# SKC 5/92 # 54- 4/92 # FOR TRUST # ARM KYS
 23 CAD 27 KY 020469-1004 # PLS QTE# LUMS INC # ARM KYS
 DU 29 # SL# 3C RJR 50# GTC# 4077-1# # NOL 378 020469-1004T
 004 END OF RELIEVAL TO TERM PT
 18 SHD 7 XW 020469-1004 # BOT 300 FPC 25# 98-0147-0 OTT# ERN \$
 21 EXT 7 XW 020469-1004 SHD # BOT 300 FPC 25# 98-0147-0 OTT# ERN \$
 14 FS 44 BQ 020469-1008 # CAMB NUC 31-3# GRAHER ELECT 330-4# \$
 24 CND 32 KY 020469-1005 # SL# 100 JACK WINTER INC 22 FCK # 2082-1 \$
 15 HS 0 WRC NS 020469-1005 # FUJI PHOTO 75-PS#
 38 BSM 6 NH 020469-1004 # AL KEY# PART 2# HOWEVER# WIRED TODAY FOR PROPER FORMS IN CASE CLIENT # REQUESTS THEM IN TH
 E FUTURE# THANKS GREG MCCOY NH#
 324 OTC 53 FS 020469-1004 # BUY# 125 CAMBRIDGE TECH INC 13# CXL B 200 AT 9# 4300-1# 125# CXL 200# QUOTE BACK #
 FS#
 SH 62 # BUY# 100 UN MKT# GTC# 98-0147-0 OTT# CLOSEOUT AT 38# # AV 126 020469-1004
 15 CD 28 XRF IGN 020469-1004 # ROT 50 IPL 22# AS OF 1/3# COT BUST# \$
 6 WM 60 WRC 020469-1005 # WM IF U SEE HOWARD DEAN TODAY# PLS TELL HIM I TRIED TO CONTACT HIM LAST NIGHT# MR GARDN
 # WANTED TO TALK TO HIM# DAMATO BRM#
 11 SHD 9 XW 020469-1005 # BOT 100 SPT ACV 24# 24# 5# 98-0147-0 OTT# EMAN \$
 22 EXT 8 XW 020469-1005 KC # SLD 100 NFM 82# KC 57# ASIEL \$
 23 DC 38 WRC 020469-1004 # VERN# # RE OPENS 2-3 # UR DC 268 ON 11-25 READS B 200 X 40- GTC NBR 4645-1 # NO MENT
 ON OF DNR PLEASE FIX FROM UR END # DOUG #
 279 QTC 29 KY 020469-1004 # PLS OTF# CHGO MUSICAL 4-78# # FOR TRUST # ARM KYS
 PS 40 # SL# 100 WPT 14# 1701-1# 100# # AC 232 020469-1005
 90 STA 56 LS 020469-1006 # DOUG# OPHS# 11# ED 33# AYS# 11# REX 37# AYS# 100 X 33# AYS# 100 X 35- AYS# 100 UK 39# A
 YS# LS# \$
 130 CRD 63 EV 020469-1004 # DANIEL# RE 33-4064-1# THE ENTRY TO CXL 5 INA WAS MADE AS A DEBIT -# SHLD HV BEEN A CRED
 IT, PLS CORRECT# INX HB EV# \$
 005 END OF RETRIEVAL TO TERM C7
 21 PR 0 WRC NS 020469-1006 # UPHIL# PHARMACEUTICAL SAVINGS PLAN 11-12 SUBS
 36 CGF 31 BX 020469-1005 # JOHN# # AVCO CORP NO 69-0975-1 CHAGES THE ACCOUNT NOT LONG# BAKER# \$
 25 DC 10 AN 020469-1007 # F 505-2 STPD % UR CFFER ANS
 280 QTC 30 KY 020469-1004 # PLS QTE# TRANSCEAN OIL # FOR TRUST # ARM KYS
 11 GC 0 WRC NS 020469-1007 # PETER# SEND 10 SETS RECOMMENDATIONS TO GENEVA WITHOUT# MILES REPORTS # TOM \$
 SN 54 SX 020469-1006 # SN 660-1T BOT 600 PGT 15 98-9987-0 PCSE SX# \$
 131 CRD 50 SX 020469-1004 # FOK CPO# PLS SHIP STREET STOCK 100 U.S. STEEL TO 98-9987-C# VAL 2/10 NORMA SX# \$
 11 MB 0 WRC NS 020469-1009 # UNIPPAZE 112-12# BILLS
 9 BT 17 WRC 020469-1005 # # COPPER UNCHD# SUG 2-3 HIER#
 DC 95 # SL# 100 # MKT# 7623-1# F.# # AN 95 020469-1006-
 325 OTC 21 LD 020469-1004 # SL# 1000 BARTER IND 5-# 054865-1 # ATTN DUGAN # 1000 # \$
 NH 7 # SL# 20 BN MKT# 1020-1# # NOL 379 020469-1004R
 132 CRD 37 JR 020469-1005 # VAS RE ACCT 4038-1 PLS GET EXTN FOR 2 DAYS I BOT# 25 BC INSTEAD OF SELLING WE WILL STPA
 IGTEN OUT # TODAY# JDE JBN#
 281 QTC 62 WH 020469-1004 # IRONCHEMICS # RACON INC # BILL WH# \$
 SH 63 # BUY# 100 WBS MKT# GTC# 98-0147-0 OTT# CLOSEOUT AT 12 # # AM 161 020469-10050
 11 FX 0 WRC NS 020469-1004 # GLENN# NATIONAL LIFE AND ACCIDENT 31-2# \$
 68 LA 16 AN 020469-1012 # BOT# 100 P 75# MS
 282 OTC 24 WH 020469-1004 # DATA TRENDS # WH \$
 CD 85 # BUY# 100 IGL 19# 100 19# # XW 135 020469-1005\$
 9 CL 24 WMA 020469-1007 # SLD 1 # FARRINGTON MFG 57-70 90# GTC# 0579-1 \$

PLS
 117 and 150
 marked at deposition
 of J. Simpson and A. G.
 on 3/29/12 and 6/1/12

PL 33 # SL# 10C DXY MKT# 8724-24 10C # # XK 131 020469-1003F
 WH 60 # SL# 100 X 49 # GTC# 2475-1 # XH # AV 124 020469-1003H
 117 CRD 46 SX 020469-1003 # EDK CRD# PLS SHIP STREET STOCK 83 ARMOUR & CO. TO 98-9987-0# VAL 2/10 NORMA SX# \$
 118 CRD 27 BX 020469-1003 # NURSEN# 69-4119-1# SOLD VAL 2-10 338 PAN OIL SPEC CZ PZ SHIP BOSTON# 69-0165-1 BOT# BAKER
 PT 40 # SL# 20C LTR WS MKT# 3956-1# CFN 20C# ASE 215 020469-1003
 9 AR 9 FND 020469-1009 # GRESH ARN RE 29-9719 WUD APPREC SENDING TFR INSTRUX ON WIRE AS# THIS IS GETTING OLD, THN
 X, KINGSLEY FND# #
 35 RCH 49 HS 020469-1005 # RE BPT 1 6 9 12 14 18# OH HSN \$
 35 CGE 30 BX 020469-1004 # M ROYLE# RECD REGISTERD 90659# BAKER# \$
 JB 35 # BUY# 100 KO 69# DAY# 1710-2# 100# # AM 157 020469-10034
 18 OH 10 CY 020469-1003 # JPL GBC STILL LISTED ON MSE# VERY SLCW TRADER 50 SHARE UNIT OF TRADE# # GLEN# \$
 RA 20 # BUY# 100 FTR 39# 0395-1# # AM 15R 020469-10039
 SH 60 # BUY# 100 SPT ACV MKT# GTC# 98-0147-0 OTT# CLOSEOUT AT 26-# 100# # XH 132 020469-10035
 119 CRD 47 SX 020469-1003 # EDK CRD# PLS SHIP STREET STOCK 47 ARMOUR & CO. TO 98-9987-0# VAL 2/10 NORMA SX# \$
 120 CRD 81 CD 020469-1003 # PLS SHIP 13000 UNITED STATES TREASURY BILLS OF# 2/27/1969 TNXS STEMMER# CD# \$
 21 CRD 36 JB 020469-1003 # VAS FYI SHIP 400 RTN ACCT 4473-1 TODAY# HH JB# \$
 124 CRD 48 SX 020469-1003 # EDK CRD# PLS SHIP STREET STOCK 400 ARMOUR & CO. TO 98-9987-0# VAL 2/10 NORMA SX# \$
 HQ 43 # CXL SL# 100 J 80X# GTC# 1814-2# CXL 100 J # # XH 133 020469-1003C
 122 CRD 52 EG 020469-1003 # ANDY# RE 76-3155-1 RECD \$1117.99 YSTD AFYN # JKS EGN \$
 23 DE 48 GA ORD 020469-1008 # SL# 1000 CONGULCH OIL 3# DAY# CA 3381-1# 1000# \$
 PA 54 # CXL SL# 100 WRF 11# 0172-1# CXL 100# # AC 228 020469-1003
 123 CRD 48 PB 020469-1003 # HADDAD MGN# RE LAST DAY ITEMS# 65-0002 PD 1-29# 2155 24.68 DUE TDY ACCORDING TO MY R
 ECORDS# 3863 PD 2-3# 9803 PD 2-3# PLS ADV ON 2155# THX BARB# PB# #
 125 CRD 82 CD 020469-1003 # PLS SHIP 10# FEDERAL HOME LOAN BANKS 6E PCT OF# 8/25/1969 FA 25 CD# \$
 22 DE 47 OA 020469-1004 # GATE# CONGULCH OIL# \$
 HB 64 # BUY# 60 SMC MKT# DAY# 60-1471-1# 60 MKT# # AC 229 020469-1003T
 126 CRD 28 BX 020469-1003 # NURSEN# 69-5686-1 MANSON T PETTY YOU HAVE IN NAME RSK GO NAYL# HOSPITAL CORP SHIP BOSTON
 AS IS DON T PUT IN HEP# BAKER# #
 11 US O WRC NS 020469-1004 # JEPY# MERLE NORMAN 32X-35
 127 CRD 29 BX 020469-1003 # FISCHER# 68-4849-1 SOLD VAL 2-10 75C DEXTRA CORP SHIP BOSTON # 69-0063-1 BOT# BAKER#
 KC 59 # BUY# 100 SCO PRC 13-# 4559-1# 100# # AC 230 020469-1004
 EN 35 # SL# 100 SAF 54# 1569-1# # AV 125 020469-10045
 272 QTC 32 TO 020469-1003 # RACE QTS# E F HAUSERMAN# EDUCATORS MFG CO PHIL# \$
 DU 28 # BUY# 40 DXY MKT# 4874-1# # NDL 377 020469-1004
 HQ 44 # SL# 133 W3S MKT# 44-1# 133# # ASE 216 020469-10036
 273 QTC 24 KY 020469-1003 # DIVFRSA INCN ACS KY#
 SH 61 # BUY# 100 THI MKT# GTC# 98-0147-0 OTT# CLOSEOUT AT 16-# # XH 134 020469-1004D
 34 BO O WRC NS 020469-1004 # EAGAN# RE 2 X 100 CHAS RIVER# YES 2 LTS OK# BNY QTC#
 22 CNO 26 KY 020469-1004 # PLS QTE# DANZER ELECTRONIC INCN JOE KY#
 CO 20 # SL# 100 CF 30X# GTC# CXL# 28# # GTC# 0262-1 # 100# # AM 159 020469-1003
 323 QTC 20 LD 020469-1004 # BUY# 1000 BARTER IND 5-# LD 6010-1 # ATTN DUGAN # 1000 # \$
 KY 31 # BUY# 100 DIO 11# 4771-1# # ASE 217 020469-10045
 20 PB O WRC NS 020469-1004 # DAYLEN CELLU CPAFT 27-# # MERLE NORMAN COSMETICS 32X-35
 274 QTC 25 KY 020469-1003 # DUPLAN CORP 57/04 # FOR TRUST# ARM KY#
 39 ARM 718 CCAP 020469-1006 # GRM REJECT# BAN ORDER SYMBOL# KAB THIS NUMBER# ASE 70 MU# BUY# 25 UCR MKT# 7524-1
 # 25 MKT#
 126 SVP 703 CCA2 020469-1003 # PT REJECT# INCMPL# 1 # NW NRL 41 PT# SL# 20C X 48# GTC# 2749-2# CFN 20C

P. 118 and 149
 marked as duplicates of
 Sullivan and A.K. of
 Jan 5/29/72 at 6/9/72

52 DE 41 LY 020469-1059 # KING RESOURCES 81E-2E SUNDANCE OIL 230-4-N \$
 PL 43 # SL# 20 AHP MKTN 2786-1 # 20 # NOL 552 020469-1059D
 48 GC 85 AB 020469-1059 # SLD 8 WOC 14 # PRLN GTCN GC 224# \$
 749 EXT 94 AB 020469-1059 SHO # BOT 200 WRT 5 # Q PKT# SHOWN ED CLOSE# \$
 KC 127 # POSS DUPE BUY# 100 SPV 232# GTCN 7520-1# # AV 181 020469-1059W
 97 HFND 42 LD 020469-1106 # SL # 500 RSC 10 # GTC # 4816-1 # 500 # \$
 119 LA 170 WRD 020469-1059 # RFD LAN CONTL INCH 92-93 CTS TR# \$
 518 QTC 51 LA 020469-1058 # DUGAN NO MARKET HERE RE PARTED INO LAN \$
 58 SHO 77 BK 020469-1100 # BOT 37 V// FWN//KILLLL THIS# \$
 750 EXT 97 7A 020469-1058 EDP # BOT 100 CP443C # PX=3797-1# \$
 69 EDP 83 ZA 020469-1059 # SOLD 100 GS 50% # 03-0100-05
 751 EXT 72 AV 020469-1059 # PB # SLD 100 DPL 360# VERBAL# \$
 51 FL 116 AC 020469-1059 # SLD 500 ALI 7-# 5434-1# \$
 752 EXT 114 AC 020469-1058 WH # SLD 100 RIV 12# GTC# 3505-1# \$
 38 KY 73 AV 020469-1059 # SLD 1000 CRW 35 # 5- 11-5# 0106-1# 4 # 4 DUP 2 KDP# \$
 46 EG 42 LY 020469-1059 # DAN# PACIFIC STD LIFE 12--13# \$
 55 SX 169 WRD 020469-1059 # NELSX# SISCOE 340-.50# CONS SKEENA ENA 340-.50# COCHENDUR 161.90# AGNICAD 16
 5-.7C TR# \$
 519 QTC 92 SN 020469-1059 # MOULDINGS INS SN# \$
 56 KA 1018 CCAP 020469-1101 # KA REJECT# 40 TWICE# NRL 40 PZ # SL # 100 CTX 28 # DAY # 87-6744-2 # C
 753 EXT 88 ZA 020469-1059 EDP # SOLD 100 GS 50% # 03-0100-05
 40 JB 78 WRH 020469-1059 # HH # RE LAST DAYS DUE TODAY 403P-1 4619-1 PLS ADV # VAS CRD \$
 185 TAB 43 LY 020469-1059 # NYR 1# 400 UNIVERSAL ACCEPTANCE CORP 40# BOT 6240-1 PC SLD 5941 NET# QTC-LA# \$
 8 WRJ 1278 CCAP 020469-1141 # WRJ REJECT# HEADER FORMAT ERROR# XXVVVFL 159 WRJ# CARL RE 6701-1 OKP AFTER CLOSE#
 \$76C2,50# LOBE CRD#
 272 SVR 1000 CCAP 020469-1059 # HS KAB 77
 277 CRD 161 DC 020469-1059 # SUSS - RE 55-0002-1 DRAWING \$590.13 TO 1/25 FOR# 2 IBM RICH DC# \$
 70 EDP 89 ZA 020469-1059 # SOLD 100 CIT 44 # CO-6819-1# \$
 21 SM 126 AC 020469-1100 # BOT 300 ALI 7-# SM 48# \$
 273 SVR 1001 CCAP 020469-1059 # AA REJECT# INCOMPLETE TRANSMISSION# KC 116 AA# SLD 1000 GI
 754 EXT 85 AB 020469-1059 GC # SLD 8 WOC 14 # PRLN GTCN GC 224# \$
 520 QTC 157 HU 020469-1100 # # CARRERAS LTD# NICHOLS# \$
 51 WH 58 DE 020469-1102 # INTER NUCLEAR 22-# DEN \$
 278 CRD 71 HO 020469-1059 # TOM RE 41-1350-2# PLS ADV ANY BPN THNX WHITE HQ# \$
 PI 152 # BUY# 100 HJ MKTN CXL 50% 100# # AV 182 020469-1059#
 PL 64 # SL# 75 CNH 12 # 2786-1 # 75 # N# ASE 399 020469-1059D
 274 SVR 1004 CCAP 020469-1059 # BRM REJECT# DK WIRE CODE# 153 HUN # BUY# 100 TIC MKTN # 1492-2#
 059 TERM # AA LINE 057 NOW RESPONDING
 233 XW 1005 CCAP 020469-1059 # XW REJECT# DK WIRE CODE# WA 12. # CCCCCCY
 38 PS 115 AC 020469-1059 # SLD 100 LIH 7# ON 7 5/16# 1672-1# \$
 755 EXT 115 AC 020469-1059 PS # SLD 100 LIH 7# ON 7 5/16# 1672-1# \$
 71 CN 127 XW 020469-1100 # SLD 100 CNE 29% # CN 47# DW \$
 25 PK 81 WRH 020469-1100 # ELGIN # ST BUY THE CERTIFICATES # MEEKINS RCH \$
 39 PS 118 AC 020469-1059 # SLD 100 LIH 7# 0683-1# \$
 756 EXT 99 ZA 020469-1059 EDP # SOLD 100 CIT 44 # CO-6819-1# \$
 71 EDP 90 ZA 020469-1059 # BOT 100 CIT 44 # PA-0217-1# \$
 757 EXT 116 AC 020469-1059 FL # SLD 500 ALI 7-# 5434-1# \$
 059 TERM # WRG LINE 089 NO RESPONSE TO TSC 9
 41 JB 0 WRG HS 020469-1059 # WANT TO SELL 20 COLONIAL STRS INC 31# 4477-1 ACCORD TO QTC MSL SHD HAVE ADV# 1# 4 DUE

Pl. Ex 151 marked
 at deposition of A. K. J.
 on 6/19/72

154524# 369258910059583# 3696173165526310# 390900010104685# 39090001051667# 390127210453063# 3900049104933602# -98061
 00044366519# -90105110160476# -904391
 10144425# -90130410100000# -901304101955# -90794010155225# -66285010171400# -906759101300# -90029510426300# -9061361035333
 3# -90506910147150# -90004910707226#
 -9649451000154# -90609310185025# -9079171080640# -90907510726385# -90909510166000# -9090951029936# -9090951026178# 39806
 10003542109# -9080120050000# 39807050
 650000# -98120000396400# 398090500396400# 3981450001390000# -980905001390000# 39802000018037# 39802000014083# 3980200004
 107# 3980200003757# 3980200005153# 39
 80200007390# 3980200004271# 3980200003765# -9806210060603# -90050010381250# -909855101035000# -9099001028164# -909900109
 4380# -9099201072500# -90992010147500
 # -9099201032000# -98999000574180# 390002610191875# 390016110157500# 390985310221250# 3909859104650000# 39099001059933#
 39099001027825# 390990010228420# 390
 990010130052# 390990010386407# 390990010449340# 390992010220000# 390992010810000# .## #
 505 TAB 18 PY 020469-1520# ASOF 1-17-69# 23 SLD 100 MARHOFER PACKING 10 FOR 9821-2# U SENT CFM OUT AS MC INT
 YRE PORC LTO WHICH SELLS# IN THE 40S SOMEWHERE# PLS SEND OUT CORRECTED CFM# GOF MARHOFER PACKING # #
 865 CRD 293 TW 020469-1520# CPM CRD# RE 1544-1# PLS TFR \$384.30 CR TO 2 ACCT AS CR PD FOR \$2007.95 TODAY# BARB TH
 # #
 143 CL 342 WRH 020469-1520# SGR# RE GR# WUD CONTINUE TO HOLD PERUVIAN SITUATION NOT A CAUSE FOR ALARM# MULVANEY
 RCH #
 120 OH 425 WRC 020469-1534# TOM# NCD# WE BELIEVE HAS ADVANCED SHARPLY AS A RESULT OF THE ARTIC SLOPE# STORY, THE
 SHS ARE HIGHLY SPECULATIVE BUT WE DO NOT KNOW WHEN THIS# YEARS WILL SUBSIDE AT LEAST PARTIAL PROFITS SEEM WARRANTED AT#
 CURRENT LEVELS# TC RCH# #
 522 NOT RETRIEVABLE - 04 ASE 0337 0337 SVRP
 222 CGE 195 KY 020469-1520# AUSH# RE 91-5974-1 THE 4 ARMOUR & CO WAS SOLD VAL 274# RE 91-3198-2 THE 15 ARMOUR WA
 S SOLD TODAY# HES KY#
 159 FL 335 WRJ 020469-1526# RM# R# A# C# E# RE 5025-6249# PLS ADV IF ACCTS BOT BARTEP CO DR DTD WE REC IT FM# ACCTS AND
 PLS ADV DATES# LOR# C# D# #
 336 UX 0 WRG AS 020469-1531# RE BUY \$1M PC 6# PCT 10-15-93 PKT# TRYING TO GET REPORTS
 223 CGE 196 KY 020469-1520# MIKO# PLEASE SEND TO KY LETTER OF TRANSMITTAL # OFR EXCHANGE OF AUSTIN NICHOLS INC FO
 R# LIGGETT & MEYERS INC# HES KY#
 174 PX 2577 CCAP 020469-1527# PY KAB 19 THRU 20
 937 SVR 2563 CCAP 020469-1520# LA REJECT# OK WIRE CODE# UCRD 272 LA# RACE RKR# RE 47-9992-1 TY SHOW US C# WING THE
 # 100 BENE# STAND LIFE INS ONLY ITEM OP
 866 CRD 198 KY 020469-1521# SEM# RE 1# 43-1 NTHG RECD RR TRYING TO CONTACT# PLS OBTAIN EXTN# AEK KYS
 355 LA 391 CN 020469-1520# QTF--CAPITAL HOLDING CORP# CORDIN# #
 7 BNK 0 AR NS 020469-1522# -29040010164825# -29044410139409# -290457104545691# -2984061085593# -29840710117155
 # -2997601082000# -29990010108225# 3980580001247699# 39915810113053# 39903791061432# 39824010135079# 39992810230495# #
 29091110187951# 3993341019750# 39986
 82108445# -98050000654225# -2904029070000# 39809790070000# AR# #
 63 NYC 162 EV 020469-1520# CLOSE MARCH SILVER# JULY SILVER# MARCH 1970 SILVER# EV# #
 117 OF 0 SF NS 020469-1522# SR# DID YOU GET MY ANS RE YOUR LAST WIRE LAST NITE# RE WOT WUD I DO IF YOU CAME TO SF
 FRIDAY LAR# #
 144 FS 0 TL NS 020469-1520# BARR# I HAD A CHEESEBURGER DELUXE WITH POTATOF SALAD# AND A GLASS OF MILK, SORRY FOR T
 HE DELAY RUT SANDY# WAS SENDING HER MINING LIST SO I WASNT POLLED FOR# AHWHIE# ROY TL# #
 938 SVR 67 TE 020469-1520# BANK PLAYBACK NUMBER WAS 74 TEN #
 64 NYC 343 LS 020469-1540# SIPP# OUT SELL I MAY 30 SILVER 205.00# OUT BUY I MAY 70 SILVER 223.00# LSN #
 224 CGE 118 BX 020469-1521# JOHN# CHECK YOUR POSTIONS SOUTHERN CO END OF MONTH JAN# SHOWS LONG AND SHORT 350 SHAR
 ES AD POSTION 989994-0# BAKER# #
 147 FS 0 TL NS 020469-1524# BARR# SHE SAYS THIS SUMMER SOMETIME, NO DATE SET, WHY DONTCHA BUY ME SOME CLOTHES BOY
 224 CRD 198 KY 020469-1521# SEM# RE 1# 43-1 NTHG RECD RR TRYING TO CONTACT# PLS OBTAIN EXTN# AEK KYS

Pl. of 80 minutes
 at deposition of B. Bran
 on 3/28/72

25 CGE 30 NX 020669-0925 # RE 50-6733-1N LCAG 277 SUN CIL 2025 CV PFD# ACCT WAS NOT CREDITED WITH DIVIDEND# PAYABL
 E 12-20-68 PLS# CK# ADV ME WHEN CREDIT IS PUT THRU# KIRK NX# #
 WA 6 # # BUY# 200 RSO 102 # CAY# # 17-0255-1 # 200 # # AC 99 020669-0926#
 135 QTC 26 WH 020669-0926 # SL# 1000 RACCN INC 46# DAY# 2025-1# 1000 \$
 TO 11 # # ELY# 13 CCI 40# DAY# 1785-1# # ASE 75 020669-0926#
 3 RA 28 WRE 020669-0926 # CAROL LEGAL TFR CK # 35 CENESCO INC 64-4190-1 SCHWARTZ CGE#
 926 END CF RELIEVAL TO TERM WA
 27 CGE 32 FX 020669-0926 # SHCHARTZ# ADV IF 2CC STD BRANDS 03'S-1 HAS CLERED# THX# SALLY FX# \$.
 5 CJ 0 WRG NS 020669-0926 # IN AYA OPN# YCU FL GUT BUY# 2M GH 5-87 OLD 107# BNY\$ILA O WRG NS# OCEANRIUM # BNY\$
 122 QTC 20 FA 020669-0926 # ARNIE# QUOTE CLIENT CRAWFORD AND CO RGN FAS
 RTRAIL CE O WRG NS 020669-0926 # IN YA GPN# YCU FL GUT SELL 2M TIT 6782 110# BNY\$
 136 QTC 23 FF ORD 020669-0926 # BUY# 200 HAVEN INDUSTRIES 70# 3750-1# 200# \$
 123 QTC 31 AX 020669-0926 # QLTE PLS# KENITE CC# JM NX# \$
 WH 28 # ELY# 100 APY 15# DAY# 2367-1# # AM 59 020669-0926#
 927 AM TMUP LAGK
 137 QTC 1 LD 020669-0926 # BLY # 500 BARTEP JAD 6 # 106827-1 # 500 # \$
 124 CHN 32 NX 020669-0926 # QUOTE PLS# CS SMELTING REF 5 1995# JM NX# \$
 8 CP 1 AN IGN 020669-0927 # GCOO MORNIGH I LOVE YCU ALL# RUSSELL# \$
 138 QTC 20 LY ORD 020669-0926 # BUY# 50 INV CO AMER # 60# GTC# 7613-1# 50# \$
 7 LY 342 CCAP 020669-0926 # LA KAB 19 TRL 20
 6 GX 72 WRD 020669-0927 # BETTE # GX# 2574-1 2840-1# LCNG U'S BCRA# CG U WISH TENDER 34,00# PER SHR
 ADV RAGE EXPIRES 2-14 LENNY CGE# #
 9 TL 31 WRE 020669-0927 # WHITE LEGAL TFR CK # 64C MARINE MIDLAND CORP 70-7500-1 SCHWARTZ CGE#
 139 QTC 17 PX 020669-0926 # SL# 100 ELECTRONIC TRANSMISSION SYSTEM 7# 0550-1# 100 # \$
 126 QTC 22 FA 020669-0926 # ARNIE# QUOTE CRDER PENCING# COMFUTER USAGE RGN FAS
 7 QR 1 AN IGN 020669-0927 # GCOO MORNIGH I LOVE YCU ALL# RUSSELL# \$
 140 QTC 18 PX 020669-0926 # SL# 200 ACU PKT CPG# 1755-1# 200 # \$
 125 QTC 21 FA 020669-0926 # FRANKEL# RE BANNER MNG CF UTAH MY CLIENT PURCH IN HU 100# SHS OF ABV STK# WE HV ASK
 ED FOR QTE SVL TIMES# CAN WE GET A QTE# ADV CN CLIENTS REQUEST# RUN FAN
 PA 5 # SL# 100 NSP RT MKT# 5 DN SALE# 0563-1# 100-5# # AM 60 020669-0927#
 LA 21 # BUY# 50 TK 22# GTC# 6702-1# 50 TK# # ASE 80 020669-0926#
 16 FS 3 # 020669-0927 # 2-3 WE RECD CFM# SLD 200 GRI 8 09-0560-2# NY SAYS IT WAS ENT IN UR OFFICE# HOWEVER WE HA
 VE AC NBR 09-0560-2# CUC U PLS GIVE US THE CUSTOMERS NAME# THX MAUREEN #
 9 FA 0 WRG NS 020669-0927 # IN YA GPN# YCU ACQ BUY# 1# CAL 3792 70 # GOES 3# BNY\$
 TO 12 # BUY# 100 JCP MKT# 2098-1# # ASE 81 020669-0926#
 33 STA 31 FF 020669-0932 # OKAYS RE 23# FF# OPENS AS 300 PPL 55 OS 400 WUR 23# AB 200 BS 29% CXL 3C XO # \$
 8 LY 344 CCAP 020669-0927 # LY KAB 21
 53 SVR 343 CCAP 020669-0926 # WA KAB 5
 13 DC 2 WRH 020669-0928 # DON # RE 2353-2 FED CALL \$1909.00 # DUE 277 PLS COLLECT AND ADV # SUSS CRD \$
 3 PCS 9 HQ 020669-0926 # NYLLINS ASSIGN AND SEND 2 PLATES# 41-7471-11# RONALD E KMECAK# 4457 SHERWOOD DRIVE#
 ASHLAND KY# HCN #
 29 RCH 15 SH 020669-0926 # WHATS YOUR CPINION CF FBI HERE BUY SELL OR HOLD# THANKS JIM SH# \$
 3 KY 52 SN 020669-0927 # JIN KY# 1907 FORD NO LCNGER OUR PROPERTY TURNED OVER TO# SMITHSONIAN INSTITUTE# DOTO SN
 # #
 65 CRD 16 SH 020669-0927 # AL# PAY NEWBURGER LCEB CN 276765-9468058# FOR GREAT EASTERN MANAGEMENT 7 PCT BOS# YCU
 WILL RPT 15# BONUS AND A CHECK # FOR 35# ADS# SHIP THE 65 TO US# JCF E 5# #

Pl. Ex 153 marked
 at deposition of A.T. #
 on 6/9/72

74 TAB 16 KM 020669-0951 N COAN CAN WE BUST DESCRIPTION CN TRADE 6728768 BOTN 250 KLOOF GOLD MINES ORD RG AT 5 FC
 R 4526-1 TOM READ KLCQH GOLD MINES ADR ADV SAP THNX VI KMN N
 2 RL 7 AN 1GN 020669-0950 N HOW MUCH RST 1111 REG AND DNR 13
 74 BND 56 WN 020669-0951 N SLN 3M PAC 20 DEC 85 602N 3M 602N ODN S
 950 END OF RELIEVAL TO TERM FND
 13 CP 14 WB 020669-0955 N TO WHOM IT MAY CONCERN N LATELY HAVE BEEN GETTING MSG ON NYCN FOR BASSETT LUONGO MI
 LLER SHANK DOYLEN THEY DONT COME HERE N KEEP THIS NEAR YOUR MACHINE IF U ARE IN THE HABIT N OF DOING IT N LUDNGO IS CR
 DN MILLER CRDN MCCARTHY CRDN BASSETT
 BRMN DOYLE BRMN SHANK CRDN ONLY ONES NYC IS N LCO AND SIPP AND SCFETTES EDDIEN TOM C N
 6 FX 0 WRG NS 020669-0950 N BLYVDORS 6 - S
 CO 57 N SLN 50 ASM 314 50 314 N AC 190 020669-0951
 CO 8 N BUY N SC G4 MKTN DAY N 0472-1 T N 50 N NOL 267 020669-0951
 7 NYC 29 JS ORD 020669-0951 N BUY 1 MARCH SUGAR NC 8 PKT DAYN JB 4517-9A 1A S
 5 LC 24 WRA 020669-0951 N RE BUY 500 BARTER IND 6 6827-1 CRDER CXL NO QTED MKT WE DON NOT WANT TO ACCEPT ORDERS J
 N TFS ISSUE 2L KFY N
 3 RL 9 AN 020669-1005 N BOT 100 NII 214 P S
 134 CRD 10 NH 020669-0951 N RACE RAY JONES RE 19-9806-2 PLS ADV BP THNX RUTH KHN S
 952 Q 44 255-1
 14 FA 10 CS 020669-0954 N ALBN BONANZA 32-331N SUPERICR FCCDS 110-12-N S
 4 BY 0 WRG NS 020669-0951 N PRES PRAND GOLD MNG 180-193S
 263 OTC 32 GC DRD 020669-0951 N BUYN LCO ASKIN SERVICE 120N GC 5285-15
 17 POS 22 PL 020669-0951 N SAM LOMBARDO N ACCT OPENED LAST MONTH 16-3557-67 N WISHES TO BE JOINT ACCT NOT SI
 NGLE N PLEASE CORRECT N 396-52-8436 16-3557-67 N DR RAMESH KANOJIA N MRS NEELA KANOJIA N 60 BROOKSID
 E AVENUE SOHERVILLE N J N EVELYN PL
 8 EN 10 CY 020669-0951 N 184 EX DIV 2 MAKE YOUR OPEN READ S 20 IBM 2372 STOPN CFO 2380 STOPN FRANK N S
 264 OTC 32 EP DRD 020669-0951 N BUYN 300 HARWYN INDUSTRIES CORP PKTN 0909-144 3007 MKTN S
 265 OTC 32 EP DRD 020669-0951 N SLN 200 YCO HQO CHCCALATE MKTN 0909-144 200/MKTN S
 11 OH 0 CSE NS 020669-0951 N ON NYSE 2-6-69N DEALINGS WILL BE SUS
 PENCED BEFORE THE OPENING FEBRUARY 6 1969N IN COMMON STOCK WHEN ISSUED OF STANDARD BRANDS PAINT COMPANY, ALLN WHEN IS
 SUEO ORDERS IN HANDS OF SPECIALISTS A
 NO CDD LGT DEALERS WILLN EXPIRE AT CLOSE OF BUSINESS TODAY, DEALINGS WILL CONTINUE REGULARN WAY, N ADMITTED TO O
 EALINGS, EPERSCH ELECTRIC CO, COMMON
 STOCK WHENN ISSUED, \$0.90 CUM CV PFD STOCK SERIES B \$2.50 PAR VALUE WHEN ISSUED, N TICKER SYMBOLS - EMR WI EMR PR B W
 1, PCST 11, SEC, F, N COMMENCI
 NO FEB 6 1969 DEALINGS WILL BE REGULAR WAY IN LIEU CFN WHEN ISSUED IN \$3.50 CUM CV SECOND PFD STOCK SERIES I OF ILLINCI
 S4 CENTRAL INDUSTRIES INC, ALL WHEN
 ISSUED ORDERS IN HANDS OFN SPECIALISTS AND CDD LGT DEALERS WILL EXPIRE AT CLCE OF BUSINESS TODAY, N TO BE ACMTT
 ED TO DEALINGS AT OPENING FEB 6 1969,
 REPUBLICN CORPORATION COMMON STOCK WHEN ISSUED, TICKER SYMBOL - REP WI, PCST 17N SEC J, N PLEASE WATCH DATES
 ON ABOVE MCB STA, N N
 DF 38 N SLN 20C DTC 16-N 1271-1N 200 N ASE 159 020669-0951
 38 CGE 27 SX 020669-0951 N ARLINE CGEN HAVE YOU RECD CONVESSION ON LA SALLE NATIONAL BANK WESTERNN ATRITNES AND PA
 N AMERICAN SULPHUR TENDERED INN DECEMBER AND JANUARY ANY CONCESSIONS YET ON SINCLAIRN LORILLARD HOME INN, SEABOARD FINAN
 CE, SEEBURG MORRISN PLAN UNITEC FRUIT
 TNX, FOR YOUR HEL TO CLEAR THESE TENDERSN BARO SXN N
 PA 50 N BUYN 200 BR 15N 3291-14 200N N AV 101 020669-0951
 SX 29 N BUYN SC SCE PRA 312N GTCN 159-1N CFN 50 312N N AC 191 020669-09520
 GC 34 N SLN 10C DE 18N 6422-14 XN 53 020669-09511
 111 SWN 401, 020669-0951 N CC PERFECT MISPLACED FIGS 7 GR CR CR IE N NOL 35 GCN SLN 14 SDS 504

Pl. Ex 153 marked
 at deposition of H. K. G.
 on 6/9/72

ALSO PAY 1009.12 ON 2-134 WFD CRD#
 10 RK 36 WRH 020669-0949 # JBC # RE ACCT 12-2716-1 DUE 150.00 TODAY PLS ADV # ALEX CRD #
 72 TAB 26 SX 020669-0949 # LUNDY TAB# HAVENT RECD CREDIT VIA TDS, 1000 GENL STRES, ORDER 176# FROM CHICAGO WAS PAR
 KED 1/2 CGM, FOR JOE NELSON CREDIT, # ALSO SM PFC 69 SOLD BY CATHOLIC UNIV, 1/10 MARKED FOR JOE# NELSON CREDIT PLS ADV WH
 EN WE WILL BEC REDITE BARB SX#
 TL 49 # CXL SL# 50 NW# 8-# GTC# 6215-1# CXL 50# # AC 183 020669-0948
 15 CA 37 WRH 020669-0949 # DCT # 2637-2 # F/C DUE 2/13 AMT 267, # BUD CRD #
 255 DTC 31 GC ORD 020669-0948 # SL# 700 ROTO AMERICAN 4# GC 6775-1# 7003
 44 CSC 11 CX 020669-0957 # 25 OMIT# #
 69 AN 408 CCAP 020669-0949 # AN KAB 2 THRU 3
 CP 17 # BUY# 2CG TTI MKT# 6340-1# 2CG MKT# # AC 184 020669-0949
 7 CO 466 CCAP 020669-0949 # CO KAB 3 THRU 4
 102 SVR 465 CCAP 020669-0948 # WA KAB 17
 256 CTC 59 FL ORD 020669-0948 # SL# 50C BARTEP IND 6# 6249-1# 500# #
 TL 50 # CXL SL# 10 BA 10# GTC# 2373-1# CXL 10# # NOL 254 020669-0948
 11 CO 0 CSC NS 020669-0951 # GN NYSE 2-6-69# DEALINGS WILL BE SUS
 PENDED BEFORE THE OPENING FEBRUARY 6 1969# IN COMMON STOCK WHEN ISSUED OF STANDARD BRANDS PAINT COMPANY, ALL# WHEN IS
 SUEO ORDERS IN HANDS OF SPECIALISTS A
 NO CDD LOT DEALERS WILL# EXPIRE AT CLOSE OF BUSINESS TODAY, DEALINGS WILL CONTINUE REGULAR# MAY, # ADMITTED TO
 EALINGS, EMERSON ELECTRIC CO, COMMON
 STOCK WHEN# ISSUED, \$0.90 CUM CV PFD STOCK SERIES B \$2.50 PAR VALUE WHEN ISSUED, # TICKER SYMBOLS - EMR W# EMR PR B
 1. POST 11, SEC, F.# COMMENCI
 NG FEB 6 1969 DEALINGS WILL BE REGULAR WAY IN LIEU OF# WHEN ISSUED IN \$3.50 CUM CV SECOND PFD STOCK SERIES I OF ILLINOIS
 3. CENTRAL INDUSTRIES INC, ALL WHEN
 ISSUED ORDERS IN HANDS OF# SPECIALISTS AND CDD LOT DEALERS WILL EXPIRE AT CLOSE OF BUSINESS TODAY, # TO BE ACITIT
 ED TO DEALINGS AT OPENING FEB 6 1969,
 REPUBLIC# CORPORATION COMMON STOCK WHEN ISSUED, TICKER SYMBC - REP W#, POST 17# SEC J, # PLEASE WATCH DATES
 ON ABOVE MCB STA, # #
 103 SVR 466 CCAP 020669-0949 # CO KAB 3 THRU 4
 257 CTC 60 FL ORD 020669-0949 # BUY# 50C PARKEN PFC 50# 5557-1# 500# #
 PT 20 # SL# 300 CF 30# GTC# 6760-1# 300# # AM 124 020669-0948F
 CP 18 # SL# 100 INA 52-# 6340-1# 100-52-# # AM 125 020669-09491
 RX 42 # BUY# 50 ENG MKT# GTC# NW 491#-1# # NOL 255 020669-0948
 TL 51 # CXL BUY# 100 GRC 20# GTC DNR# 5E75-1# CXL# # AV 90 020669-0948H
 41 HEND 18 PS 020669-0949 # SL# 1000 VIC 17# 2065-1# 1000# #
 10 QB 54 BRH 020669-0950 # ALL # FLASH# LONDON DOWN 6 WE LOOK 2 TO 4 BETTER# AT THE MOMENT BASSETTS
 136 CRD 59 TL 020669-0951 # ALLEN - RACE# 70-1980-1 MAILED US CHECK CN 274# WHITE TL# #
 CO 5 # BUY # 50 G# MKT # DAY # 0473-1 T # 50 # # NOL 256 020669-09491
 35 CGE 46 EV 020669-0949 # GANNON# PLS MAKE ENTRIES SHOWING WE RECD FROM ACC 33-0106-1 50 SCU IND GAS & ELEC 4.8
 PFD SOLD DEC 26 C WE DELD STK# TO BUYER ACC 33-2028-1# TAX DOUG EV# #
 52 LA 57 CA 020669-0949 # BELTRIDGE DIL# GEOTHERMAL# MAGMA PWR# THERMAL PWR# #
 CJ 31 # SL# 200 UNC MKT# 0061-1# 200# # AV 91 020669-0949
 36 CGE 47 EV 020669-0950 # GANNON# PLS MAKE ENTRIES SHOWING WE RECD FROM ACC 33-0041-1# 36 SCU IND GAS & ELEC 4.8
 PFD SOLD DEC 12 C DELD TO# BUYER ACC 33-5616-1# TAX DOUG EV# #
 PS 17 # BUY# 100 WEF MKT# 1856-1# 100# # AC 185 020669-0949#
 186 CTC 58 OA 020669-0949 # BLYVOORS AC# #
 PX 54 # BUY# 50C RIV MKT# 3785-2# 50C # # AC 186 020669-0949
 PL 21 # SL# 24 CI PR MKT# 7715-2 # 24 # # NOL 257 020669-0949T
 18 JB 479 CCAP 020669-0950 # JB REJECT# INCOMPLETE TRANSMISSION# NYC 20 JB ORD# BUY 1 MARCH SUGAR NO #

Pl. of 62 and 154
 B. Brown and
 Atty on 3/29/72 and 6/9/72

29 ST # BALKY 11225 NEW YORK
06-4189-87# MARTIN GLASNER# CUST FOR SUZANNE MERYL GLASNER# 1506 EAST 29 ST # CLYN 11225 NEW YORK# PERMAN

484 SVR 1382 CCAP 020669-1221 # XH REJECT# MISPLACED FIGS 2 OR CR OR LF
221 TERM BRM LINE C19 NOW RESPONDING
128 FF 311 AM IGN 020669-1221 # WU 42--X# STOPPED #S
590 CRD 104 EG 020669-1221 # ANDY# ACV BP 76-426C-2# TK EG# S
2081 EXT 341 ZA 020669-1221 EDP # BOT 100 ACY 30% # CL-C836-1#
CP 94 # BUY# 25 ACC MKT# 8695-1# NOL 771 C20669-12220
74 HS 1384 CCAP 020669-1222 # HS REJECT# MISPLACED ORDER CR OR LF# KAB THIS NUMBER# NOL 115 HSE SL# 33 J MKT# GTC
7161-1#
18 CT 265 WRC 020669-1228 # ALL WIRES HOE A ON ASE LOOKS 12 PTS LOWER# HCE COM ON ASE LOOKS 25 PTS LOWER
DENNIS ASE#
221 TERM BRM LINE 049 INTERCEPT START C348 PRIOR# ITY
465 EDP 342 ZA 020669-1221 # BOT 200 LVO 11% # LS-2845-1#
2082 EXT 191 AN 020669-1221 # PK# SLD# 100 DES 242# 40-5 # M 3144-1# DS
W# 146 # SL# 10# PBC 21-# DAY# 0#87-1# 100 # ASE 582 C20669-12215
58. CRD 65 RA 020669-1222 # DANIEL# RE 5627-1# SRI# HV RECD# KC FND# FROM THIS ACCT# MURIEL# S
350 BRM 149 WH 020669-1223 # TAYLOR FIND OUT HOW MUCH TC CALL 100 LANGLEY AND 500 # LANGLEY # AMOS WH#
222 END OF RELIEVAL TO TERM BRM
136 TL 268 AC 020669-1223 # BOT 60 RSC 9 # Q MKT# 3735-2#
2083 EXT 266 AC 020669-1221 # BOT 50 WYL 43 # Q MKT# 1352-1#
117 FL 275 HU 020669-1222 # RM# WE ARE TURING DOWN THEN BARTER ORDERS ENTERED TODAY BY YOUR# OFFICE NO MKT HERE OR
ELSEWHERE DO YOU HAVE ANY THING NEW# ON IT RFGARDS AL KEY#
760 GTC 123 GA CRD 020669-1222 # SL# 300 RADIATION SYSTEMS MKT# DAY# 42-0129-1# 300# S
112 SF 272 AC 020669-1223 # BOT 50 MEC 4# Q MKT# 0069-1#
2084 EXT 342 ZA 020669-1221 EDP # BOT 200 LVO 11% # US-2845-1#
466 EDP 343 ZA 020669-1221 # SOLD 1600 UP PR 11 # KC-0063-1 RCS
2085 EXT 343 ZA 020669-1221 EDP # SOLD 1600 UP PR 11 # KC-0063-1 RCS
104 KA 118 BT 020669-1223 # DERTIGHT KC# WE BOT PR LYKCHS BR 150# TGN BT # S
68 DU 295 WRF IGN C20669-1222 # SLD 100 GV 11 # AS OF 12/30/68# BUST ACCT DU-3575-1# DU-3575-1 50# 98-0155-0 50#
ASE#
WH 147 # BUY# 200 SH MKT# GTC# 1512-1# 200 # AC 686 020669-12215
F 68 # BUY# 100 EAC 20 # 0388-1# 100 # ASE 583 020669-1221
70 CL 258 WRC 020669-1222 # FTF CL# SAM SX# DAVE FA# RE KERR MCGEE# PROSPECTS OVER THE LONG TERM ARE EXCELLE
NT WHETHER OR NOT# MERGER WITH# ASARCO IS# CONSUMMATED# OVER THE NEAR TERM# HOWEVER# SHARES SEEM TO BE ADEQUATELY VALUED SA
NDY RCH#
100 PT 345 WRA 020669-1223 # RE# SL# 100# PREMANEER 27# FCK 1237-1# YUR KILLED MKT 27-0# S
SM 104 # BUY# 70 RC MKT# 70# ASE 584 020669-1221A
581 CRD 100 JB 020669-1221 # LUNDY# CC VAS CRD# RE TDE 2-3 ACCT 50-4669-1 BOT 54 MANHATTAN FUND# AT 9.74 CES
S 639, THIS IS PLAN ACCT AND SHLD# HV BEEN ONLY % OF PCTGE, THIS HAS BEEN ENTERED# ON CASH SHEETS AS 54 MANHATTAN FUND
AT 9.73 TCE# DATE 2-2-69 BUT ORIGINAL
AT 9.74 WAS NOT CXL# OUT PLS CXL ENTRY AT 9.74 AND ADV TK# MC JEN #
76 HS 297 WRF 020669-1224 # SLD 7 TY 34# CPTS# HS-6693-2#
55 WRS 50 WA 020669-1222 # SEIF # NEW RR # NAME RAYMOND CCRSINI # ED NBR 17-1890 # RR 18 # RICHARD WA # S
467 EDP 344 ZA 020669-1221 # SOLD 600 APY 15# HS-7832-2 RCS
66 CH 221 AE 020669-1223 # SLD 25 ECC 21 # PRL# GH 78# S
2086 EXT 267 AC 020669-1221 # BOT 10 COS 62# 1835-2#
7687 EXT 192 AN 020669-1221 LA # SLD 200 SD 72 # LA 130# WSS
282 TAB 121 BL 020669-1221 # FOX TAB RE PREV MSG# U FAIL# PP 2-4 S 45 HR 30# 1890-1# JIM BL# S
127 70# MC# TR# VAL# DATE 3-24-20 RICH NEW A SEL

Pl. Pl. at deposition of B. Brown on 3/2/72

15 NX 80 AB 020769-1129 # BOT 100 CUD 6 # 6- LTH GTC# NW 1140-1# \$
 1158 EXT 16A AC 020769-1128 SX # BOT 500 TEX RT 15/32# GTC# 0069-1# \$
 125 CGE 117 KC 020769-1128 # FAL DIV# ON ACCT 75-5208-1 ON 12/19 YOUCHG \$105.00 DIV 100 STD# OIL NJ THIS IS IN ERRO
 R AND SHOULD BE CXLD AS THEY WERE# NOT SHORT ANY OF THIS STK OVER EX DATE ROWSONKCH #
 552 QTC 95 FA 020769-1129 # QUOTE # RANDOLPH COMPUTER 4D 1977 # BGM FA # \$
 33 TO 97 BK 020769-1129 # BOT 16 MRK 89# 3263-1# \$
 1159 EXT 217 ZA 020769-1128 EDP # BOT 100 NCO 24# # 80--0009-1\$
 210 EDP 218 ZA 020769-1128 # BOT 400 DES 25- # CP-1001-2\$
 1160 EXT 138 AV 020769-1128 # KC # SLD 300 SFF PR 11# LVS 200# WEISS
 15 CRD 86 NW 020769-1128 # AJAN MONEY FOR 50-5899-1 ARTHUR BRODSKY# DUE \$197.25 IS IN 50-7102-1 DAVID BRODSKY#MPL
 5 SWITCH FATHERS TO SO#N JERRY DRESKIN NW# #
 127 CD 171 AA 020769-1131 # SLD 100 VIC 16# Q MKT# CD 200# \$
 185 STA 83 KY 020769-1128 # NOL # RE ORDER 57 TO SL 10 KLM 85 FOR 91-7168-1# 94834 SHOULD HAVE BEEN ENTERED BEFORE
 OPENING PLS # FILL AT 85 & CHARGE KY ERROR ACCT # TH KY#
 104 KC 95 BK 020769-1131 # BOT 3 AEP 38# 1500-1# \$
 1161 EXT 159 ZB 020769-1128 CN # BOT 100 GK 30# CN-2866-1\$
 CN 126 # SL# 100 BC 20- STP LMT# 50 ON SALE# GTC# 1474-1# 100650# # XW 313 020769-1128C
 85 CN 149 AM 020769-1128 # SLD 200 UMT 27# SHORT MKT# PWS
 1162 EXT 122 AN 020769-1128 # GC # BOT# 100 CAF PR A 36# CDS
 76 PX 140 AV 020769-1128 # SLD 100 JOY 37-# W \$
 30 CX 89 BK 020769-1130 # BOT 25 ACY 31 # 8839-1# \$
 130 NOISY LINE - LINE 071 DOWND
 1163 EXT 218 ZA 020769-1128 EDP # BOT 400 DES 25- # CP-1001-2\$
 NC 217 # BUY# 100 GEN MKT# 100# # AM 283 020769-11291
 150 LA 0 WRG NS 020769-1129 # SCHEMEN LA LUX MINES 11-12\$
 45 LD 174 HU 020769-1129 # LARRY# REBANTEP # WE DO NOT WISH TO MAKE TRADES THIS STOCK EVEN IF WESCO# MAKING MKT
 REGARDS AL KEYS
 587 QTC 32 SF 020769-1128 # NYR 7# 300 AMERICAN ELECTRONIC 5# B 98-9967-0 S 48-5989-1 LCN XPCSE SF# ...\$
 416 CRD 48 DX 020769-1128 # JAB - OKP 7091-1 CR BAL SCHWAB DC# \$
 405 SVR 1174 CCAP 020769-1128 # BK REJECT# DK WIRE CODE# KW83 BK# KILLEREEEEEEEEEEEEEE# 0
 211 EDP 219 ZA 020769-1128 # BOT 100 KES 35# # RA-0897-1\$
 1164 EXT 160 ZB 020769-1128 # SLD 200 EFU 44# # BO-0235-1\$
 52 CP 125 AN 020769-1128 # BOT# 100 AMX 50 # LEHS
 1165 EXT 139 AV 020769-1128 # EG # BOT 100 CDP 41-# ON LTH DOME DONS
 82 PT 81 AB 020769-1129 # SLD 100 KBC 10# 3439-1# \$
 1166 EXT 149 AM 020769-1128 # CN # SLD 200 UMT 27# SHORT MKT# PWS
 57 EN 123 AN 020769-1128 # RH DEX 43--2 2-1\$
 1167 EXT 123 AN 020769-1128 # EN # RH DEX 43--2 2-1\$
 10 BK 1175 CCAP 020769-1128 # BK KAB 83
 406 SVR 1175 CCAP 020769-1128 # BK KAB 83
 41 PDS 100 FL 020769-1129 # MULLINS PLS CHANGE# 66-2862-09# MR PAUL ALAN LEE# 14165 N E 6 TH AVE APT 12# NORTH MI
 AMI FLA# #
 417 CRD 71 BX 020769-1128 # NURSE 69-3393-1 TAKE 36.32 FRM 69-3312-1 LEAVES DR # 21.00 AND U SEND ME 100 UNTO UTIL
 AND I COLLECT THE # 21.00 BLYNN BO# #
 58 EN 86 BK 020769-1129 # SLD 53 T 54 # 4827-1# \$
 1168 EXT 219 ZA 020769-1128 EDP # BOT 100 KES 35# # RA-0897-1\$
 44 WM 173 AC 020769-1130 # BOT 100 COT 32# 6148-1# \$
 212 EDP 220 ZA 020769-1128 # BOT 100 MSG 11- # PX-2988-2\$
 1169 EXT 151 ZB 020769-1128 # HS # SLD 100 BIG 36-# ALT# HS-6599-1\$
 104 DC 246 WRD 020769-1128 # PENNA ENGRG COMMON 15C-16 # \$

Pl. Ex 6 of marked
 at deposition of B. Brown
 on 3/28/72

WH 89 # SLN 50 BX 47 # GTCN 3920-1# # NOL 503 021169-0925
 FL 11 # SLN 100 RLM MKTN 4643-1# # AN 134 021169-09260
 260 QTC 65 SN ORD 021169-0925 # SLN 9 CORP S MKTN SN 5454-1# # 9# #
 UX 59 # SLN 20 SKW 59% GTCN 20 59% # NOL 504 021169-09255
 UX 60 # SLN 100 BF 33% GTCN 100 33% # XH 150 021169-09255
 260 QTC 13 FL ORD 021169-0926 # SLN 500 # QTEP IND 6% 6249-1# 500# #
 46-HFND 28 JR 021169-0927 # BUYN 500 WFP 11# JAYN 4951-1# 500# #
 WH 89 # BUYN 50 WK 68 ORD GTCN 3920-1# # NOL 505 021169-09258
 15 CSC 0 AN NS 021169-0927 # PLS RTRV ASE 113# THX DENNIS #
 WH 90 # BUYN 10 SFF MKTN 4114-1# # NOL 506 021169-09250
 025 SHD TUPD
 FL 10 # BUYN 200 UCL MKTN 4643-1# 200# # AM 187 021169-09765
 12 SF 40 SN 021169-0927 # CXL BUYN 10 SMM 11# GTCN 1063-1# CXL #
 11 STA 29 SY 021169-0927 # RE NOL 13 SYN BUYN 14 WSW PRA 39 # GTCN CXL 38 # GTC ETCN SHUD READ CXL 39 # GTCN SYN
 PT 64 # CXL BUYN 100 MDD 56% GTCN 5535-2# 100 CXL # XH 151 021169-09269
 026 NYC TUPD
 SN 47 # BUYN 50 LVO MKTN GTCN 276-1# # NOL 507 021169-0926
 CD 67 # BUYN 100 EAL 29# GTCN CXL 28# GTCN 100 29# # XH 192 021169-0927
 FF 45 # CXL SLN 100 AD 12# GTCN 3364-2# CXL 100# # ASE 145 021169-09260
 CK 61 # POSS DUPE SLN 51 SFC MKTN 51# # NOL 508 021169-09267
 FX 76 # SLN 40 SYD MKTN DAVE 0319-1# 40# # ASE 147 021169-0927V
 026 TRMLS RMDY AC P OF PA GC PA GY PA NOL PA
 CK 62 # POSS DUPE SLN 100 SKW 58% 100 58% # AM 188 021169-09265
 WH 91 # BUYN 10 PEL MKTN 4117-1# # NOL 507 021169-09260
 WH 92 # BUYN 5 OXY MKTN 4117-1# # NOL 510 021169-0926U
 026 L 62-64 65 70-73 76-77 98-99
 FL 12 # SLN 100 CRP MKTN 4643-1# 100# # AC 163 021169-0926
 FL 14 # BUYN 200 SWX 31% 6123-2# 200# # AN 135 021169-09265
 US 110 # SLN 40 WP 32 # GTCN 3900-1# # NOL 511 021169-0926
 US 111 # SLN 20 LM 48# GTCN 3900-1# # NOL 512 021169-09260
 A PT 43 DF 021169-0928 # QTE # RESERS FINE FOODS # BRUCE DF
 CD 5 # SLN 100 LIT 67 # GTCN 0422-1 # 100 # # AM 189 021169-09260
 3 WB 5 W3 021169-0947 # NUTS #
 1 CMX 99 WH 021169-0927 # SELLN 1 JULY PORK BELLIES 33.42 STP# GTCN CXLN 32.52 STP# GTCN 3751-7# 1 #
 5 TE 0 PL NS 021169-0927 # BONNIE # WE WERE IN TRENTON ON SATUPDAY AND PICKED UP OUR TRAIN TICKETS TO WASHINGT
 ON FOR # THURSDAY AND WE GONNA PARK RIGHT ACROSS FROM THE # STATION THAT LONG TERM PARKING # EVFLYN PL #
 926 0 42 7-17 70 134-0 71 105-0 72 151-0 73 188-0# 74 109-0 77 23-0 79 117-03
 RG 4 # BUYN 19 CGX MKTN 2641-1 # 19 # # AC 144 021169-0926
 KW 9 # BUYN 100 MWF 7- # GTCN 28-0824-1 # 100 # # AC 165 021169-0926
 41 CRD 60 CJ 021169-0928 # FEV CRD RE 25-0348-1# WHX PR PAID 21.25 SHARE AS OF JAN 1-69 X 400# \$A500 CR PLUS CR 80
 00 FOR MATURITY TSY BILLS 2-6-69# EQUALS \$16500 CR DUE ACCT# RDB CJ# #
 RG 5 # BUYN 14 SQD MKTN 2641-1 # 14 # # NOL 513 021169-09268
 CD 4 # CXL SLN 100 NEP 26 # GTCN 6608-2 # 100 CXL # # AC 166 021169-09269
 026 0 91 100-0 94 43-0 98-1-17
 CK 63 # POSS DUPE CXL BUYN 100 C 52% GTCN CXL 100 52% CM CM # AV 107 021169-0926G
 US 112 # SLN 25 AT 39 # GTCN 3900-1# # NOL 514 021169-09260
 SY 40 # CXL SLN 100 UVV 3# 6 50 ON SALF# GTCN 67-1# CXLN # AV 108 021169-09260

Pl. Pl. 65 and 155 marked
 at signature of B. Brown and
 A. H. by on 3/20/72 and 6/9/72

141 GTC 14 PA 021269-0932 N SLN 500 OAKLAND CONSOLIDATED 2H 3694-1H 500H S
 142 PCX 19 FL ORD 021269-0933 N BUYN 200 GOLDEN WEST FINANCIAL 9H 4690-1H 200H S
 143 PL 16 N SLN 100 MAL 13- N 1124-1H 100H N ASE 68 021269-0933
 144 CDN 39 CL 021269-0932 N QTE DENNISON MINES MLLTIPINERALS MID-RIP MINES CLN S
 145 CTC 18 CN ORD 021269-0932 N SLN 500 DIL SEC RTIES & METAL 3H DAYN 90-7118-1 400 90-1473-1 100H 500H S
 146 STA 2 PS 021269-0933 N ASEN GARY AD 2-11H PLS RPT TO SLN 12 BFO B PKTN ENTRD 9.13H 1520-1 REMY PS 5 VIA PHONE#
 ACK JUN FSH N
 147 PCS 9 LD 021269-0934 N BCB N PROD NBR CHANGE N 263-60-0305 63-8410-17 N MR JAMES T VALLEY N MRS MA
 148 PTHA J VALLEY N 511 S W 28 TERRACE N FORT LAUD FLA 33312 N THANKS BRIAN LD N
 149 CTC 36 PT 021269-0933 N RECOGNITION EQUIP RITES PCTIERF PTN S
 150 LD 9 LD 021269-0934 N BOB N PROD NBR CHANGE N 263-60-0305 63-8410-17 N MR JAMES T VALLEY N MRS MA
 151 PTHA J VALLEY N 511 S W 28 TERRACE N FORT LAUD FLA 33312 N THANKS BRIAN LD N
 152 IF 29 N SLN 100 BHN 31H 3621-1H N AM 65 021269-0933
 153 GTC 17 PL ORD 021269-0932 N BUYN 50 BUEHLER CORP CCMPOH MKTN PL 0831-1 N 50 H S
 154 BD 29 N BUYN 500 SIC 12 H GTC N 1164-1H N 500/12H N AC 88 021269-0932
 155 NB 1 WRA 021269-0937 N RE SL 1M LN SERIES I.3 -2003 MKTN NO BID NOTHING DONE S
 156 F 409 CCAP 021269-0934 N EV REJECT LINE OPEN TAB 31 EVN MC CARTHY N RE BK 652 ON CK PD OUT N THE 5721 WAS S
 157 LRG AND I SENT YOU SEP MSG CNN THI
 158 EXT 14 AD 021269-0934 N PX N NOTHING DONE AD 2-11 REM BUY 100 DTD 13H NBR 225 DAY ENTD 13.55H ASE S
 159 END OF RETRIEVAL TC TERM PTD
 160 CTC 15 PA 021269-0932 N SLN 2000 SANTA FE INTL CCLC 38 CENTS N 0792-1H TWO THOUSAND S
 161 GTC 17 FL URU 021269-0932 N SLN 500 BARTER IND 67H 6249-1H 500H S
 162 CAC 30 CJ 021269-0933 N CAN YOU QTE ONTARIO SPEEDWAY CF CALIF 7H TOM CJN S
 163 BRM 20 FL ORD 021269-0933 N TAYLOR N BUYN 3M CHESAPEAKE AND POTOMAC TEL 7-2009 100H 6747-1H 3H S
 164 BND 29 CJ 021269-0933 N BUYN 3M CHS 60-1998 96H GTCN CXL 96H GTCN 4815-1H 3H S
 165 PS 33 N BUYN 50 AKG 36 N DAYN 6444-1H 50 H N AC 89 021269-0933
 166 FEND 17 HU 021269-0934 N SLN 500 CRR 82H BURGESS ACCT STCVE N 500/82 S
 167 HU 12 N SLN 100 REX 45H 7395-2 N AN 47 021269-0933
 168 PA 17 N BUYN 100 AM MKTN 0217-2H 100H N XH 67 021269-0933
 169 FL 18 N BUYN 100 ECF MKTN 1893-2H 100H N AC 90 021269-0933
 170 STA 22 US 021269-0933 N JIM DUNN ASE RE US CFM 2-11 AYS FAIL AS 9 DRC MKTN WE LEFT OFF OPENS BECAUSE RR SAYS
 171 SHOULD N HAVE A REPCRT ON IT WOULD YCU CK AND ADVN KATE US N
 172 NX 31 N SLN 100 TEX RT N DAYN NW 8596-1H 100H N AC 91 021269-0933
 173 SC 28 DF 021269-0935 N FRAN N DO U READ ME N SARAH OFS
 174 HQ 11 AA 021269-0934 N NOTHING DONE AD 2/11 N BUY 100 ASM 26 DAYN ERDN S
 175 KC 18 N BUYN 100 GPU PKTN 1921-1H N XH 68 021269-0934
 176 PH 10 N SLN 100 EHC MKTN 0859-1H N ASE 65 021269-0933
 177 AM 13 LD SP 021269-0933 N AD 2/11 RPT TO BUYN 100 BA 60- DAYN LD49 ENTD 10.59 ADV IF N NOTHG DONE LDN
 178 FAC 413 CCAP 021269-0934 N FND REJECT INCCMPLETE TRANSMISSICN BC 0 FNDN B
 179 NH 5 N SCA 100 RSO MKTN 0859-1H N AC 92 021269-0933
 180 CTC 18 PA 021269-0933 N SLN 1000 SANTA FE INTL CCLC 38 CENTS N 1273-1H ONE THOUSAND S
 181 RL 7 AM 021269-1005 N SLD 100 SJO 35H WS
 182 33 IERM NH LINE 004 NO RESPONSE TO YSC
 183 PL 19 N SLN 30 PD 15 N 3951-1H 30 H N AC 93 021269-0933
 184 CTC 30 FF ORD 021269-0933 N SLN 500 FINANCIAL CORP CF ARIZONA 2H 7626-1H 500H S
 185 CD 50 N BUYN 100 EYE 14H GTCN 100-14H N AC 54 021269-0933
 186 CRD 8 RK 021269-0937 N ALEXN ACCT 2720 MC ILWAIN SLD 100 SNL 38- SHORT CN 2/7H SLD 100 IAC 41 LONG ON 2/
 187 YGU HAVE STR HOW MUCH CASH CN YOU REQUITE ACCT 2877 CLAPP MAY WE PAY CHT TOMORROW TO SLD ACCT 2171 CND

Pl. 156 mtd
 at deposition of Alex
 on 6/9/72

264 CRD 26 RK 021269-1111 # ALEXN RE TRADE OF 2/7N SOLD 100 SNL 38- SHORTN 1 CHANGED ACCT WITH ORDER ROOM# FRO
 H 12-2720-3N TO 12-3294-3N SAL RKN #
 406 CTC 73 BL 021269-1111 # BRANIFF AIRWAYS AN CCMPUTER TECHN NATL CAR RENTAL CCM AND AN KRIZ BLN \$
 82 DC 122 WRC 021269-1111 # TEPPER DC 0942-1 CR 3143,36N 0942-2 BP \$3900,00 SUSS CRDN \$
 24 AR 244 WRA 021269-1111 # BOT 100 KAY WINDSOR 161N # 8930-1 \$
 25 AR 0 WRC NS 021269-1111 # KAY WINDOR NOW CTED 16-17N JIN \$
 26 AR 143 WRC 021269-1111 # MAC AR #362-1 1-9 CNG 10, DIVN 1-14 U PD 10, LVG DR 20, # YR WIRE
 1-15 SEC WUD COLLECTN 20,0C NOW 2-11 CK RECO CALY 10, ADV RJL CRDN #
 24 CP 136 AK 021269-1111 # SLD 8 S03 1160N 6334-1 \$
 46 DF 120 SX 021269-1112 # PZK KWH SNW OFN PRECISION INSTRU 412-32 LES SX # \$
 CN 112 # BUYN 5 ELT MKTN DAYN 1530-1N 5N # AC 375 021269-1111P
 PX 130 # SLN 100 EXQ A 100N 4004-1N 100N ASE 321 021269-1111
 44 FL 0 WRC NS 021269-1111 # COWNN RE PARTER IND CANNOT LCCATE ANY MKTS
 LS 132 # SLN 100 NAC 592N DAYN 1007-1N # XW 248 021269-11110
 285 CRD 50 CS 021269-1111 # CPM HUN 4238-102 PLS TFR 500 GFI FM TYPE 2 TO TYPE 1 AS# WE ARE SELLING TDA IN TYPE 1N
 BARRY DSN #
 52 CL 0 WRC NS 021269-1111 # ELG 6-93 1152-16N IND 52-93 117-18N WAL 5--93 113-15N PN 42-84 182-5 \$
 83 DC 123 WRC 021269-1111 # ECKDC MGN REQUIREMENTS REG CORP BOND IS 35PC INT CHGE# 8-PC PUT PUR INTO TYPE 4 SUSS C
 RDW #
 OA 61 # BUYN 200 CCX 19 # DAYN 254C-1N 200N # AC 376 021269-11110
 68 FF 145 WRF 021269-1111 # SLD 300 SUM 191N BUST ACCT FF 9868-1N FF-4339-2 \$
 76 CGE 102 PT 021269-1111 # ANDY SFN SENT PKG NBR 1 2-10-69N ALLYNPTN \$
 56 SN 123 AM 021269-1114 # BOT 500 ICA 12 # SN84N 83 WEISS1 MCRS1N \$
 RB 71 # SLN 50 UPD MKTN 2541-1N 50N # AC 377 021269-1111A
 45 FL 0 WRC NS 021269-1111 # RUFFN RIEGEL TEXTILE 5/93 922-42 \$
 47 SX 0 BX NS 021269-1111 # HEV LEO BABY IS LARRY IN YET IF SO YELL ME HE BETTERN WIRE ME AND SAY GOOD MORNING # P
 EACHESN #
 86 KC 127 XH 021269-1113 # SLD 100 ENT 8-N GFS KC 429 \$
 475 CTC 91 CC 021269-1111 # PLS QUOTE TAX MANN TNX MARGE GC \$
 487 CTC 55 EG 021269-1111 # QN FIDELITY AND SEPOSIT ARCE # BC EGN \$
 169 BRM 139 WH 021269-1111 # TAYLOR IND INT# 100 INTERCCNTINENTAL COMPUTING ON OFF# 5955-1N \$
 16 CO 112 AM 021269-1111 # BOT 100 CFD 442N 1798-2N SESKISS
 14 AK 55 DE 021269-1111 # RE RPT 128 AK 021269-1108 # BGT 30 EK 72 # 3675-1N IS THIS DUPE OF 118 AK # FOR SAME-
 - I HVE ONLY 1 # LOT-- ADV PLS DEN #
 468 CTC 35 CO 021269-1111 # JEFFERSON PILOT INS CORP # PCNAIR CC # \$
 64 DC 124 WRC 021269-1111 # GRABEEL CCN RE 3126-102 THERE IS NET DEBIT THIS ACCT IS BEING DELD TOW DRVIS BROS TNXS
 HAVE ALREADY BEEN ISSUED SUSS CRDN #
 150 BRM 140 WH 021269-1111 # TAYLOR IND INT# 100 INTERCCNTINENTAL COMPUTING ON OFF# 3865-1N \$
 157 BND 135 LS CRD 021269-1112 # BUYN 1M TWA 62-78 MKTN DAYN 2576-1N 1M \$
 91 HEND 133 LS 021269-1111 # BUYN 500 SA 272N DAYN 1007-1N 500N \$
 76 EV 0 WRC NS 021269-1120 # BG 42-7C 94--C 1 X 8N T 37-90 692-70N 30X 19 \$
 59 SHD 122 AM TGN 021269-1113 # FOR RBR LSN BNC PRVN 37-8N 100-20N KNG PRCN 92B-3N 6C-50N YOUS
 286 CRD 67 PB 021269-1111 # HADOACH ADV OKP TDY 300,0C TO 0659N THX ERN \$
 DS 51 # SLN 200 GFI MKTN 0747-1N 200N # AC 378 021269-1111
 25 CP 113 AK 021269-1111 # SLD 100 ROI 210N 6587-2N NLS
 28 AR 124 XH 021269-1111 # BOT 200 GT 59 # ON 60 LTN RPN \$
 989 EXT 146 ZB 021269-1111 # DE # BOT 1000 SWX 33# DE-1931-1 \$
 40 DE 149 ZB 021269-1113 # BOT 100 GWU PR 252N DE-4375-1 \$
 990 EXT 147 ZB 021269-1111 # NO # BOT 300 GRL 37N OPAN NO-1307-1 \$

72 marked
 P. P. 72
 at deposition, D. Brown
 on 5/28/72

HE PRESENT TIME DO NOT REGARD AS AN ATTRACTIVE BUY FOR AGGRESSIVE ACCOUNTS WOULD BE INCLINED TO AVOID RCH #7
 526 TERM CF LINE 018 NO RESPONSE TO TSC
 256 CN 0 KA NS 021269-1531 # JO # WILL U PLS SEND REST CF THE CATTLE REPORT ITS OUT # THX # DAV KH # \$
 270 KC 410 WRD 021269-1603 # TJM T H A N K S # WE CFM THAT ATTN FOR TRANSFER AGENT WILL NOT APPROVE TRANSFER WITHO
 UT STRONG LETTER SHOWING CHANGE OF# CIRCUMSTANCES OR NO ACTION LETTER FROM SEC CN THAT SAID ATTN STATES THERE WAS A REG
 ISTRATION AND THAT# MR WOLFE DID NOT
 REQUEST HIS SHARES# TO BE REGISTERED# SCOTT LONG BRM # # #
 777 STA 129 OH 021269-1527 # ASE# ADD BUY RDN 100 AZ WS 4X# CH# \$
 441 BRM 245 CC 021269-1530 # BEVERLY HAYES - RE GEORGE D MCSEAN ACCT NUMBER IS 55-3705-1# RHOADS DCN # \$
 132 SX 216 SX 021269-1526 # BOB LAN THAT IS A FINE LOOKING GROUP DONT YOU DO ANY WORK DOWN THERE -- YOU DONT LOO
 K AS TIRED AS WE DO THAT IS A GOOD# IDEA COME VISIT US AND I WILL SUPPLY THE BEERS LES SX# #
 871 CRD 167 EG 021269-1526 # JAB # TDE 2/6 BOT 100 WHITTING CIL AT 23% FOR 76-3254-1 PLS # ADJ TDE TO HCN ACCT #
 KS EGN #
 121 CF 287 PT 021269-1530 # BILL# ONE DEALER WILL GO 2 FCR 500 TO TSC TRAILER HOST# WILL HV TO TALK TO TRADER WRC
 IS OUT AT MOMENT# FOR MORE # JACO PT# #
 250 CCE 171 CY 021269-1531 # GANNON # RE 56-9819-1 SENT TRF INX CN 3760 ELECTRON DATA# CONTRL ON 12-24 SENT INX CN
 ADDITIONAL 100 UN 1-23# PLS ADV WHEN STK WILL BE DELD# DW CN# #
 113 OE 242 WRJ 021269-1525 # PETE# RE ACCT 80-0761-769 AND 80-3233-567 # NEED LEGAL 22 TO RELEASE DEBIT IN TYPE 7
 FROM TYPE 9 # PLS ADV REGIS CRG #
 674 CRD 94 LD 021269-1527 # SEMP # 63-35-1 OKTP CR BAL IF THE BARTER IND HAS HAD LEGAL# CLEARANCE PLS ADV THANK
 S ELLY LD # #
 872 CRD 148 DL 021269-1526 # RAY# RE R108-2 SHOWS ACCT WITH CR BAL CF 15 CENTS WRITE IT OFF# KRIZ BL# \$
 873 CRD 330 TL 021269-1526 # ALLEN CRON RE 70-1154-2 CALL 2808 ETC.,# SE IF THERE IS A BAL IN TYPE 7 OR 9 ACCT YOU
 CAN TFR FR# CSR CUT CF TOWN SO ADV SAP SO I CAN GET IN TOUCH WITH# HIM# GC TL# #
 11 KB 0 PZ NS 021269-1532 # -87421326312743# -879810162015# -8729791670000# -8717011670138# -87721816139490#
 59803205594366# 587094016221545# 58732531631143# 58725911652537# 587177916415991# -98084306721216# #
 245 CCE 95 PK 021269-1526 # FAL RE 72-1666 CA 1C/31 WAS DR GF 20.00 FOR MONTANA CAK# UTIL CO SHORT POS IF U WILL
 CHECK STATEMENTS CUST HAS# NEVER BEEN SHORT ANY MONTANA CAK UTIL CO AND HAS NEVER OWNED ANY OF THIS STOCK PLS CORRECT I
 MPEC AND ADV KARCL# FKN #
 734 SVR 112 CJ 021269-1527 # FIG SVR# BANK WIRES RETURNED TO ME AS NBR 83 AND NBR 84# FA CJ# \$
 527 INBR CD IN 0335 OUT 0264 ORD 0133
 116 CSC 93 AX 021269-1525 # FRANK# ARE R OKS TO PAY SAYING OVER THERE# DIDNT REC THEM# LUCILLE NX# \$
 578 TAB 268 PX 021269-1526 # ASOF 1-31# WE BOT 100 SJR 31 # FOR 2015-85# WE HVA NO CONF# PLS SEN UP ASOF 1-2
 7# WE SLD 100 MAGELLAN 52# FOR 0657-81# NO CCF# ASCF 1-31# WE SLD 100 VALUE LINE 3 CTS# FOR 2225-72# NO CONF#
 AND ON THE SAME DAY# WE SLD 100 AB
 G 32# FCR 0657-81# NO CONF# PLS SEND THEN CP# #
 166 FS 205 LA 021269-1526 # BOT 100 TG 33E THRU 9859850 PCX# 07-4292-2# \$
 579 TAB 269 PX 021269-1527 # MISSING CONF ASOF 2-6-69# BOT 50 RIV 13# FCR 2024-49# BOT# 400 SYN RT 161/16#
 FCR 7744-78# PLS SEND UP CONF# #
 239 SF 156 SF 021269-1530 # STA RACE ERROR# TODAY ACCT 3023-2 SOLD 100 PO 14 ON 14 LHT RR CRONIN# ERROR SH
 UD HAVE BGT RPT BOUGHT PLS HANDLE AND # FIX -- CFM WORKING TKS BURLSF# #
 31 FE 0 WRC NS 021269-1536 # LETTS# CONE SHOW THIS TCA AC 1-24 SOLD 20# CANADA SOUTHERN PEYE WS BETTER DATE PLS# P
 ERY# #
 316 LA 364 WRC 021269-1527 # SCHOENA LAN RYM THESE IS OCCUR# TAX ON SALES OF STOCK IFAY IS SPLIT# ADDTL YA ACCT
 DUE BILL# ALSO TAX RATE BASED ON PX OF SPLIT STOCK# WETJEN TAB #
 56 CO 247 WRJ 021269-1531 # SPRINGER # RE AU # INTERESTING LONGER TERM SPECULATION # SHALL RCH \$
 314 LA 395 WRD 021269-1526 # BOB REG DK ORD RE S 3 ITT PRI PKT 5314-1# SEE CRG LA 90 ENTO TUES FEB 11 AT 1125 NY# T
 IN ETC.,# N C T H I N G # D O N E # ODD CTS STAN #
 110 CL 0 CL NS 021269-1531 # -75C772563CCCC# 58C955C63C000# 17916301615475# 17921441625330# 5791044162000# 17C

Pl. by 196 marked
 at deposition of W.S. by
 on 6/13/72

Pl. 256 and 157
marked at observation
of B. Barab and A. H. 1992
on 3/28/92 and 6/19/92

PERS HAS ALREADY SUPPLIED EVERYTHING NEEDED TWICE THIS IS HU ERROR IN OVERDELIVERY AND HE DEMANDS STK B RETURNED TO C
 COMPANY AND OUT OF HIS NAME AND UNCLE
 55 THIS MATTER CLEARED UP IMMED HE ISN TURN IT OVER TO HIS ATTORNEY FOR LEAGAL ACTION ADV JUDY PKN #
 86 RL 115 AM 021369-1108 # BOT 100 GSK 36# GTCN #
 879 EXT 102 AN 021369-1108 CN # BOTN 200 STN 57 # LVS 200 #
 464 GTC 48 FS 021369-1108 # SLN 500 HOMEST MINERALS 6# 4129-1# 500#
 30 CBT 33 WA 021369-1114 # BUYN 5 CONTRACTS WEC WHEAT 1969 MKT # 17-5520-2 5 CONTRACTS#
 JB 50 # BUYN 5 G MKT# DAY# 4155-1# 5 G# NOL 452 021369-1108E
 115 KC 139 WRC 021369-1108 # DON RYH WILL DR ACCT 4.0C YR RET OF 477.09 IS CQT REN US TSY 2% 64-69 ETC# FRANK TAB#
 TL 135 # BUYN 100 ELG 26# GTC# 4939-1# AM 233 021369-1108#
 NX 55 # BUYN 100 IG MKT# DAY# NW 8582-1# # XH 222 021369-11091
 465 OTC 61 PS ORD 021369-1108 # SLN 100 DURIRON 26# GTC# CXL 26# DAY# 65-3132-1#
 84 FF 257 WRA 021369-1108 # BOT 300 MOULDING INC 45-# LVS 500 ON 46 LTH # 3305-1 #
 42 EN 138 AC 021369-1108 # EN# AVX 13--# 1C1#
 860 EXT 96 ZB 021369-1108 EDP # SLD 100 MID 23# 03-0100-0#
 138 EDP 97 ZB 021369-1108 # BCT 100 GO 44-# 03-0100-0#
 881 EXT 138 AC 021369-1108 EN # EN# AVX 12--# 1C1#
 72 LS 258 WRA 021359-1108 # SLD 68 SALADMASTER VCCRP 26# # 4095-1 #
 234 AM 70 KE 021369-1109 # JOM# WHO DID BLOC# CS# TKS# KEND#
 PL 40 # SL # 100 GAF 29# GTC# 2737-1# 100 GTC# # AV 162 021369-1109A
 105 CN 139 AC 021369-1109 # SLD 100 ASM 28 # 9397-1#
 882 EXT 97 ZB 021369-1108 EDP # BOT 100 GO 44-# 03-0100-0#
 CP 39 # BUYN 100 LIT PRB 46# C - DISC# GTC# CXL 46# GTC# 7413-1 BK NR 53441# 100-46# C -
 DISC GTC# CXL 46# GTC# # AM 235 021369-1108#
 466 OTC 81 BD 021369-1108 # SL # 100 BORNE CHEM 3# 1995-1#
 467 GTC 81 FL CRO 021369-1108 # SL# 500 BARTEP IND 6# CXL# 6# 6249-1# 500#
 PS 52 # SL# 5 BNE MKT# 1279-1# 5# ASE 532 021369-11080
 116 KC 140 WRC 021369-1108 # DON RE AS OF 2-11 LC 2 50 NUVEEN TAX# EXEMPT BOND UNITS SERIES 20# 97-64 PLUS 1.55 IN
 T PER UNIT B 82-3217-1# SOLD 98-0129-0 KC PLS WIRE IN LCL CF OTHER SIDE THANKS# FRANK TAB#
 132 EDP 98 ZB 021359-1108 # BOT 100 CO 46# FA-5055-1#
 883 EXT 139 AC 021369-1108 CN # SLD 100 ASM 28 # 9397-1#
 33 RB 103 AN 021369-1108 # SLD# 100 MSE 24 # H 4613-1# K5#
 884 EXT 98 ZB 021369-1108 EDP # BOT 100 CO 46# FA-5055-1#
 KC 115 # BUYN 100 PSY 49# GTC# CXL 49 # GTC# 8173-2# AN 173 021369-1109
 85 FF 259 WRA 021359-1108 # BOT 500 NGULDINGS INC 45-# ON 46 LTH # 3305-1 #
 TL 13# # SL# 3 FCF MKT# DAY# 9141-1# # NOL 453 021369-1108#
 39 AR 133 AK 021369-1109 # SLD 30 MSE 24-# 1C61-1#
 313 SVR 957 CCAP 021369-1109 # SF REJECT# BAD ORDER SYMBGL# KAB THIS NUMBER# NOL 26 SF# BUYN 25 COR PR MKT# GTC#
 69-1# CFM 25#
 517 GTC 82 FL 021369-1108 # ARNIE I UNDERSTAND THERE IS A MKT CF BARTEP MADE BY# WFSO GTC# 6-7 ADV COWAN#
 HS 110 # BUYN 50 UVV 30# GTC# 7192-1# # NOL 454 021369-1108E
 109 TERM EG LINE C18 NOW RESPONDING
 140 EDP 99 ZB 021369-1108 # BOT 100 CO 46# FS-0004-2#
 885 EXT 141 AA 021369-1108 SHD # SLD 10 VRN 44# C MKT# GTC# 98-0310-0#
 31 EL 72 LY 021369-1108 # SLD 100 CPR 6C THRU 9899850 PCX# 10-738-1# FILLS#
 74 SHD 140 AC 021369-1108 # BCT 2 SHP 33 # GTC# ED CLOSE# SHD 166#
 886 EXT 140 AC 021369-1108 SHD # BOT 2 SHP 33 # GTC# ED CLOSE# SHD 166#
 257 TAB 115 CN 021369-1109 # NYR 1# 100 NORTH SHORE NAFL BK 24# # EN-1881-1 PC
 NOL ...
 75 SHD 152 SA 021369-1117 # BOT 100 ATH 55# C MKT# ED CLOS#

Pl. 9.6.1 and 159
 included at deposition
 of B. Brown and A. K. K.
 on 3/28/72 and 4/19/72

51 EN 140 XH ION 021369-1117 # RE REPORT 139 THAT 600 WAS BOTH AT THE SAME TIME AS 6000 WAS # PLS CONFIRM BALANCE
 ON CRDER IS 4 5900 # BAL 5900 AT 21 PLUS DISC # PLS CONFIRM TNX CEF XH # # PL 10 XXXXXXXX
 13 AK 1004 CCAP 021369-1117 # AK REJECT# MISPLACED FIGS 2 CR CR CR LF
 21 CS 0 WRC NS 021369-1117 # ALL WIRES- STOP ORDERS ARE PROHIBITED IN THE FOLLOWING STKS# ON THE NYSEN AF
 1# AFI PR AN ASA # ATOV BE BMAN CFIN CRIN CRKN CTTN DMN DUP# EVRN EVYN FCIN GAV FAPR AN GA 2R BN GA PR NN GRN HIAN MM# J
 1# LN LIC# LTRN LTRN MAGN MCDN OXY# O
 XY PR AN CXYPR BN CXY PR C# RCAN REP# RPDN RPD PRN RSTN TDYN TDY PRN WUN WU PR AN WU PR BN WU PR CN XRX# 13 FEB 1969 #
 GPSTA #
 64 FND 67 CX 021369-1128 # BUY # \$5 M INV CC OF AMER MKT # 7750-1# \$5 M # MO WS 002-211741-24# ALBERTA
 P LONG 4319 CHERRYDALE AVE MEMPHIS TENN# #
 17 NB 0 WRC NS 021369-1117 # SCHLENN 150 VALUE ENGINEERING CO DEL 13# BGT AND REPORTED 13 # SANDYS
 341 CRD 0 PL NS 021369-1117 # DANNY GATTO # RE 3533 PD 2/3/69 \$953.10 # IN 3553-1 IN ERROR # ELLEN PL #
 44 FL 283 WRA 021369-1117 # RE SL 500 HARTER IND 4# ORDER CXLD ALL YOUR S ARNIE #
 99 CC 0 WRC NS 021369-1118 # VERN OC ON THAT 144 MSG THATS OK AS IT CAME THRU WITH LETTERS# MM TYS OK AS 1/60-1 LG
 NG 10M ETC# RICCI#
 7 BX 46 CP 021369-1117 # RE 22 CP# # SLD 500 GWD 9# # ACC GCE# 3088-1 CP# #
 36 LD 282 WRA 021369-1118 # RE SL 117 PENNA LIFE CO 41# FOR YOUR OUT 40%-1 #
 41 PG 290 WRA 021369-1121 # SLD 35 DALTO ELEC 16# # 7487-1 #
 119 CN 155 WHD 021369-1121 # PENN CN# RE POLULACH PLS SNO CPY OF OCA WHICH# WILSON AND MCILVAINE STATES
 RELEASE ACCT# 96-C090 SCOTT LONG WRS# # BANKERS TRUST SENDING IN 1 M CZARK AIRLINES 5# 1/1/88 VS 1
 31 SM 112 WRH 021369-1120 # JOE E RACE
 052,97# HAVE NO INSTR TO TAKE IN IS THIS GOOD TRADE# CHECK AND RACE WIRE BACK PLS# JENNIE CGE# #
 62 KY 109 PT 021369-1118 # WELLS KY# ECOLOGICAL LOCKS CK BUT NOTHING HOT SHOT, OK DEMPSEY, # NO OFFICE IN PT VEE.
 WHY NOT THE DEXTER THAT HU IS# SO WILD ABOUT # HLP# #
 51 WH 292 WRA 021369-1121 # SLD 15 VICTORY LIFE INS CO OF KANSAS 41# # 4136-1 #
 59 FA 53 WB 021369-1119 # B I MAY COCOA 3910# UR 82# 3130-7#
 41 CH 0 WRC NS 021369-1118 # PHIL# RECREATION CORP OF AMERICA 11 BID # SUBS
 135 LA 0 WRC NS 021369-1117 # MILB# LIQUID CARBONIC 44 BID # CCUND LCTSS
 66 SF 145 WRC 021369-1117 # BOB ACCT# 48-5218-1 LGAG 3# 5220-1 LONG 3# 7548-1 LONG 10M TSY BILLS DUE 2-20-69 KI
 NDLY LET US K# IF U WISH TC EXGE OR REDEEM FOR 91 CR 812 DAY BILLS# FRIDAY 2-14-69 YS LAST DAY PLS ADV# MUSTO CGE#
 10 TX 0 IL NS 021369-1117 # ROY# 1M GONNA DO THIS FM MEMORY AND IF IT DOESNT WORK THEN# IT MEANS I GOT A LCUSY
 HINC
 73 PT 36 SF 021369-1118 # SM BOHEMIA LUMBER 62-64 SF# #
 153 BRM 0 WRC NS 021369-1117 # J TAYLCR# CAN YOU CTE THE NEW PAN AMERICAN AIRWAYS# CONV 5-5 OFFERED TODAY AND CACCO
 RDIAG TO # TAYLCR SOLD OUT THANKS# E3 DS #
 188 EDP 0 ZA NS 021369-1117 # BGT 100 RCA 44 # WH-6151-1 #
 1034 EXT 103 AV 021369-1117 TE # SLD 300 CAR 19# 2-6# TE 30# SH#
 GC 77 # BUY# 12 T MKTN 4245-1# NCL 493 021369-1117#
 336 SVR 1007 CCAP 021369-1118 # PT REJECT# INCCMPLETE TRANSMISSION# CGE 110 PT# M BO#
 32 PL 150 AK 021369-1117 # BOT 10 CHY 17 # 2240-1#
 1035 EXT 153 AA 021369-1117 SM # BOT 100 RHP 12# 4 Q MKTN SM 62# #
 OA 66 # SL# 100 CUL 14# DAY# C201-2# 100# # AC 357 021369-1117#
 70 HS 149 XH 021369-1121 # SLD 100 FLT 53# # HS 119# LFR #
 1036 EXT 0 ZA NS 021369-1117 EDP # BOT 100 RCA 44 # WH-6151-1 #
 GC 78 # BUY# 20 VGT MKTN 4245-1# NCL 493 021369-1117#
 489 DTC 35 SF 021369-1118 # NYR 6# 30 ZB 62# # B 98-9987-0 S 48-2953-1 LCN XPCSE SF# ..#
 RA 57 # SL# 200 NRI MKTN 6087-1# 2CON # AM 257 021369-1117#
 169 EDP 0 ZA NS 021369-1117 # SOLD 100 HEC 20# # SA-C116-2 RC #
 1037 EXT 15# AA 021369-1117 HU # BOT 100 COI 26 # 0923-1# #

72 RA 286 WRD 021369-1254 # MURIEL RAH 7017-1 WTS UNDER 100. WE DONT CHRG INT# DANIEL CROW #
 1L 248 # CXL BUY# 100 MNC 50# GTC# 5474-34 CXL# AN 294 021369-12544
 184 FF 380 AK 021369-1255 # SLD 10 PRD 12C-# 9307-1#
 2317 EXT 311 XW 021369-1254 # PL # BOT 100 SKO 25# 5849-2# SK #
 71 HC 493 WRA 021369-1257 # SLD 50 ARDEN MAYFAIR INC 14# 7149-1 #
 243 LA 70 TO 021369-1254 # SAM LA# RE CXL B 300 PAC AIR TRANSP 6- U SAY TRADE# STANDS NOT CXLD RE OUR 66CXI B ETC#
 CO U MEAN TO SAY WE HV A FILL RACE ACV # F TO #
 63 WRS 135 SN 021369-1255 # JUSTIN RE RC COMM# IF I ENTER ONE ORD SAY 1000 GET REPORT ENTER ANOTHER 100# GET REPO
 RT WILL RC COMM APPLY ON 2ND 1000 D SN# #
 406 TAB 143 KY 021369-1254 # NYR 3 # 3C W A KRUEGER CC 33# B KY 3895-1 PLUS COMM S KY 4924-1 JET # ...#
 170 TL 171 BK 021369-1256 # SLD 1 IBM 310-# 9486-1#
 117 FA 220 WRJ 021369-1257 # DAVE # RE 4521-2 NEED 762 CO # DANIEL #
 746 OTC 242 HU 021369-1254 # BUY# 100 TROPICANA PRODUCTS 30 OB# DAY# 0302-1# 100 30 # #
 69 JB O WRC NS 021369-1254 # PHIL# RE OXY CALL BCT C 48# LESS 20 CENTS# DIV PLUS 1 PERCENT STK HARV OTC #
 747 OTC 238 KC 021369-1254 # BUY# 500 WADDELL & REED CL A 67# 6790-1# 500# #
 244 LA O TL NS 021369-1255 # REX# FINALLY GOT CAUGHT UP AGAIN AND HERE COME SCPE MMREN SEEMS LIKE WE BEEN BUSY FOR
 LAST FEW DAYS MCHEN #
 254 TERM EG LINE C18 NOW RESPONDING
 37 PE 383 AK 021369-1256 # BOT 2C GUL 312# ON A 32 LTN 0741-1#
 2318 EXT 294 AM 021369-1254 # CN # BOT 101 CHM 35# CRYPT# S8#
 77 FL O WRC NS 021369-1254 # COHAN# UNABLE TO FIND MKT IN PARTER JIM OTC# #
 53 TE O WRC NS 021369-1254 # KAY WINDSOR 152-16# #
 79 FL O WRC NS 021369-1258 # RE STRATEGIC MATERIALS 1 -E #
 36 NX 222 AV 021369-1256 # SLD 100 HL 35# NX 92# W5#
 110 CMW 113 RB CRD 021369-1255 # SLN 61 XRX MKT# 4657-2# #
 2319 EXT 312 XW 021369-1254 # RL # BOT 100 KNY 33# WL #
 FF 251 # BUY# 200 TFD MKT# 51CO-1# 200# # AV 285 021369-12550
 587 CRD 235 CN 021369-1254 # VAS ADV BAL 96-3170-1 AV# #
 407 TAB 115 EG 021369-1254 # NYR 8# 50 BOHEMIA LUMBER 64# B 74-9902-1 NET S 76-3277-1 LESS COMMISSION# XPT# ...#
 408 TAB 250 FF 021369-1254 # COA 2-11-69 SLD 200 CERRC CCPRORATION 19# SHUC BE 0# NOT 30# #
 255 Q NONE OVER #
 17 PK 1478 CCAP 021369-1254 # BK REJECT# MISPLACED FIGS 2 CR CR CR LF # TL#XXX#
 173 TL O LA NS 021369-1258 # BARN# ITS OK LUV I KNC YCU BEEN BUSY# DONT WORRY I AINTA GONNA GET UPSET#
 REX# #
 97 LV 287 WRD 021369-1254 # MARGE# 50-1 BOTH BNDS IN TFR 10# AVER SGR 5,30-93# GV INX 1-10 AND 10#
 APPAL ELED 7# GV INX 12-24 SUG U GET AFTER# MAL BIRD IN BND DEPT DANIEL CROW #
 43 RK 255 WRC 021369-1254 # JACOB# RK FEB 21 IS WORKING DAY NYSE DIRECTED THAT OFFICES BE FULLY MANNED# SEIF WRS
 103 KW 259 ZB 021369-1256 # BOT 100 ENX 28-# KH-1010-1#
 178 CD 295 AM 021369-1255 # SLD 100 SKW 59# FALKS
 746 OTC 69 PL CRD 021369-1255 # SL # 100 CRESCENT TECHNOLOGY 52# 1520-1 # 100 # #
 153 DC 77 RA 021369-1255 # VERN# NO HV NOT SEET RHOADS YET# WHEN DID HF LV DC I WILL HV TO CALL# HARV MAYBE HE IS T
 HERE# CARGL# #
 409 TAB 117 EG 021369-1255 # NYR 9# 100 BOHEMIA LUMBER 64# B 74-9902-1 NET S 76-1784-1 LESS COMMISSION# XPT# ...#
 55 TC 155 LA 021369-1255 # BOT 300 PAC AIR TRANSPRT 6- FRCH 9910 JET OTC# 45-2076-1# #
 WH 145 # BUY# 400 IPS 25# OB# GTC# 1027-1-TN 800 # AN 295 021369-1254
 85 EN 257 WRC 021369-1255 # PERSON EN RE YRS ON CSC- AND CEE- BASICALLY NEUTRAL ON CEE# AND FEEL LCN COMNSIDE RISK

PL 6/72 marked
 as deposition of B. Chan
 on 3/28/72

16 HEND 14 PX 021469-0924 N SLN 500 PFP 12-N 1525-2N 500 N S
 24 CSC 1 XW 1GN 021469-0927 N HERE PAUL XW S
 95 DTC 9 FF CRD 021469-0923 N SLN 500 ADMIRAL HOMES 2-N 25EUACH 500N S
 15 DE 15 HRD 021469-0923 N JJ DEN 9901-1 1-7 SLD 175 GEN ANALYTICS VSN 1575.00 2-7# U PD 1350.00
 AND 2-12 RECH 150 SHRS WOT ABT OTHER 25N SHRS RJL CKDN N
 3 NW 11 FL 021469-0927 N DUZ PHILIP BRIDIER MAKE A PKT INH BARTEP IND ADV CONAN FLN S
 15 RCH 1 CO 021469-0926 N PLS SEND S AND P SHEETS NBR N 1302N 1726N 1826N 2188 K 2 COPIES N 1030 2 COPIES N 16
 87 N CO P N
 112 CTC 6 FX 021469-0927 N ED BRIGANTEN FREE STATE GUDULON FXN S
 CU 7 N SLN 30 CKC MKTN 3610-1N 30V N AC 58 021469-09235
 BT 11 N SLN 100 TG MKT 1791-1 N N XW 41 021469-09231
 96 DTC 11 PX 021469-0923 N SLN 200 ELECTRONIC TRANSMISSION SYSTEM 6N 0550-1N 200 N S
 923 TRMLS DCN PUS A RCH A SPR A HEND N A S
 4 NB 0 FS NS 021469-0924 N GINNYN AND HAPPY BIRTHDAY TO UR SON...N GEE THATS CUTEW WISH I WAS BORN ON V DAY# I TH
 1AK TTS CUTEW HA HA WUD U SEND GOOD OLD WALTER A VAL MSG PLS# INX/BARB N
 33 TAB 7 HQ 021469-0923 N JEN AS OF 2-13N FAILED RECEIVE MM CNFMN SLD 100 EC 20-N HQ 7199-1N PLS SEND FIGS#
 NX WHITE MCN N
 32 TAB 41 SN 021469-0923 N MCCARTHY# RE YDA BK 760 OUT 1N MY BK CAME GABELED N ITEM 49-0766-1 & 4541,17K GOES
 3541,17 CON SNV N
 9 WRS 4 FL 021469-0924 N AL KEY RE 5025 LG SN BARTEP DO U HVE CTFS IF SC GG TCN SEND TO BANK SO HU WIL BE OUT OF
 IT I DONT LIKE THE THINGS# I HEAR ADV RACE 73 S RM# N
 1C SN 42 SN 021469-0923 N FOX AO 2-13 FAILED TO REC MM ADV FIGS# SOLD 50 WID 19% 3835-1 ADV DON SN# S
 923 TERM AR LINE C68 NOW RESPONDING
 34 TAB 42 SN 021469-0923 N FOX AO 2-13 FAILED TO REC MM ADV FIGS# SOLD 50 WID 19% 3835-1 ADV DON SN# S
 923 AA TPUP LNOKE
 DU B N BUY# 100 C 50%N GTC DNR# CXL 50N GTCN 907C-1N 100 CN N AV 26 021469-0925R
 35 TAB 8 HQ 021469-0923 N JENA AS OF 2-13N FAILED RECEIVE MM CNFMN BOT 100 ASM 28 HQ 7560-1N PLS SEND FIGS#
 THNX WHITEH MCN N
 PX 12 N SLN 200 GA 192N 5682-1N 20C N N AN 26 021469-0923
 5 80 4 FX 021469-0927 N TOWLE MFG# FXN S
 57 CTC 11 FF CRC 021469-0923 N BUY# 400 AMERICAN ELECTRONIC LABS 160N 4061-1N 400N S
 26 CGE 27 SN 021469-0923 N SNYTHE CAGEN PLS EXCHANGE 15 LILY TULIP CUP CORPN LONG IN OUR 040100 ACCT FOR OWENS ILL
 AGIS PFC AND CCM# STOCK OF SUPPOSED TO BE EXCHANGE LAST YEAR PLS CNFIRM# FISCHER SM# N
 SN 43 SN 021469-0925 N FOX AO 2-13 FAILED TO REC MM SOLD 100 ABW 140 2076-1N PLS ADV FIGS DON SN# S
 PX 16 N SLN 100 HC MKT# 25 ON THE SALEN 1528-1N 100-25 N N XW 42 021469-09255
 65 CRD 3 FL 021469-0924 N LODRE RE 5498-1 ADV CR BAL# RE 5373-1 ADV DR OR CR BAL CCHAN# S
 923 AB TPUP LACK
 16 DE 27 CL 021469-0925 N CTE GOLDEN CYCLE CLN S
 923 LNOKE
 BT 12 N BUY# 100 CRP MKT N 1791-2 N N AC 59 021469-09236
 CF 2 N BUY# 25 MSA MKTN DAY# 1000-1N 25 N AC 60 021469-09243
 36 TAB 20 BX 021469-0924 N LUNDY 2-13 69-0000-1 B 500 NRI 30 SB 200 B 693674-2N 400 B 69-9544-2 200 B 69-4024-2 10
 0 B 69-9566-1 N RAY BDN N
 FF 14 N BUY# 200 ML 25%N C941-1N 2CON N AN 27 021469-0924N
 98 DTC 17 NW CRD 021469-0924 N SLN 108 ELECTRONIC CAPITAL 40N DAY# NW 8991-1N 108N S
 6 PL C FS NS 021469-0924 N ELLEN# GEE YEAY# TTS LCUSYN SCME PEEPLE HAVE NO HEART AT ALL# OHHH HOW TERRIBLE AND MI
 SERABLE CAN ANYONE EEN OHFH THATS REALLY AHFUL# BARB FSN
 924 LACK
 67 CRD 5 FL 021469-0924 N LGSE RE 5685- OXP CR BAL HP# S
 17 CR 11 LUP 021469-0924 N HOT 50 FT 302 N 0977-1T AS CF 2/13S

Pl. by 70 (b) marked
 at deposition of B. Brown
 on 3/28/72

A 335

Exhibit A Annexed to Affidavit of Michael J. McAllister

119 AN 742 CCAP 021469-1022 * AN REJECT# CK WIRE CGOEN KL32 ANN RE BOT 200 CL 48EN ERKUK LEH# ---DISREGARD AN
 022 SEND FORMAT ERROR
 68 BND 63 CN 021469-1022 * SLN 2M NATL DAIRY 3-7C MKT# DAY# 6823-1# CN# 2# 1
 21 GE 20 AM 021469-1022 * BOT 100 INA 47# DORS
 166 EXT 15 AM 021469-1022 * WP # SLD 200 AZ 6# MORSE
 22 CJ 23 AK 021469-1023 * SLD 28 NR 390# 2051-1#
 161 EXT 20 AM 021469-1022 GC # BOT 100 INA 47# DCRS
 19 DS 0 WRG NS 021469-1022 * LCRETAN RE 3CC EAST UTAH MINING CCN OK #
 336 OTC 39 SX 021469-1022 * CTE# CALCRINA PACIFIC PLYWOOD# QUARTERBACK SPORT YNG SX# #
 15 113 # SLN 100 18M 308# STPN DAY# 0872-2# # XW 147 021469-1023G
 95 TAB 41 DE 021469-1022 * FRANK SRI RE THE TRADE BOT 2 X 100 INT NUCLEAR 27# 80-2434-1 TT WAS TRADE DATE 2/11 N
 01 2/12 EE CL# #
 19 NB 19 AK 021469-1022 * BOT 33 CFD 44# CC34-1#
 9 HT 17 WRF 021469-1022 * BOT 45 PCG 38# CREDIT HAMILTON ALLEN JR# CPTSH RT-C012-1#
 365 OTC 49 FL QPD 021469-1022 * SLN 500 PARTIP IND 6# 6249-1# 500# #
 119 AN 743 CCAP 021469-1022 * AN KAB 32
 172 SVR 743 CCAP 021469-1022 * AN KAB 32
 22 GC 28 AV 021469-1022 * BOT 100 DO 165-# 7110-1# LBMS
 162 EXT 16 ZB 021469-1022 * WM # BOT 100 MII 43# WM-R012-1#
 20 DS 0 WRH NS 021469-1023 * WALTER VAN RE BUY 1000 NPR 22# ACCT 0317-1 YGU BOT 1000 SHRS RPT IS ON THE WAY
 OUT TO YOU THE MKT IS 22-# OK ED CLOSE ASE STAN #
 96 TAB 59 HS 021469-1022 * SLIM HU PLS MAKE FOLLOWING BK ENTRY MADE DIRECT BY# 38-2600-1 FOR THEIR ACCT AS OF 2/1
 3 # CREDIT BK 980696 5193.95 DEBIT 38-2600-1# LB HS# #
 22 PB 83 DO 021469-1024 * CALL LF DAVEY IN AET 20 MINUTES PLL# #
 34 CL 745 CCAP 021469-1023 * CL REJECT# BAD ORDER SYMBCL# KAD THIS NUMBER# NOL 72 CL# SLN 50 WBS MKT# 2423-1# 5
 0#
 46 DC 30 AV IGN 021469-1023 * RE SLD 100 GTY 44-# SH# DISREGARD REPORT NOT# FCR U # AV #
 9 PS 41 AN 021469-1024 * SLD# 100 NHA 85# DOMS
 163 EXT 28 AV 021469-1022 GC # BOT 100 DO 165-# 7110-1# LBMS
 164 EXT 32 AA 021469-1022 CN # SLD 500 LB 10 # 10 LTR GYCN 9900-1# #
 15 112 # SLN 100 RGH 2436 STP LMT 243# DAY# 0872-2# # AV 107 021469-10230
 43 CY 0 CMX NS 021469-1022 * REPEATING AND PUTTING MONTH# SOLD 3 FEB SHELL EGG 3725 MKT# GX 6376-9# #
 165 EXT 21 AM 021469-1022 KC # SLD 100 BS 33# LRS
 10 GX 18 AK 021469-1022 * BOT 2 GM 80V 8364-1#
 366 OTC 22 PK 021469-1022 * KARMOL# QUOTE GRANDUC MINES LTD IN US FUNDS AMERICAN OWNED # SHARES# JDS PK# #
 47 KC 25 AK 021469-1025 * SLD 78 PGB 25# 6829-1#
 166 EXT 33 AN 021469-1022 * WH # SLD# 200 SRL 46# 5#-6-# # M 0012-1# LRS
 22 WH 747 CCAP 021469-1023 * WH KAB 52
 167 EXT 33 AA 021469-1022 KM # BOT 100 INI 12# Q MKT# 4712-1# #
 RA 23 # SLN 100 PAS MKT# 4093-1# # AN 120 021469-1022#
 173 SVR 745 CCAP 021469-1023 * CL REJECT# BAD ORDER SYMBCL# KAD THIS NUMBER# NCL 72 CL# SLN 50 WBS MKT# 2423-1# 5
 0#
 327 CTC 49 WH 021469-1022 * QTE BANKENOW HW LHS
 38 DE 48 WH 021469-1022 * QTE INTL NUCLEAR # HW WHS
 43 CSC 0 BRK NS 021469-1029 * EDM# IM SRY ED NOBODY CUED ME IN CN THIS R #
 22 SX 45 DA 021469-1023 * DASHEN BUS MACH# #
 28 TH 25 AM 021469-1023 * BOT 200 CKE 38 # HS
 166 EXT 22 AM 021469-1022 CP # BUY 100 LIT 61# DOOS
 44 RCH 36 WH 021469-1022 * SHAW CR MILLER# CUST IN OFFICE PLS RACEN WANTS TO BUY IGL UR OPINION PLS THX GARNER
 WH #

Pl. Ex. 58 and 160
 attached at deposition of
 Blanton and 18 2-14 on 3/22/72 and 6/9/72

206 EXT 41 AN 021469-1024 PS # SLD# 100 NHA 200 LUN#
 111 AV 755 CCAP 021469-1024 # AV KAB 33
 11 CBT 23 KW 021469-1024 # MIKE # QK SELLERS PX PAY AND JULY CERN # DAV KW # S
 16 RD 48 PB 021469-1024 # NALEN# THE FOLLOWING MSG CAME TO MEN -- YES ANYONE CAN TAKE THE INSTITUTE COURSE PAR
 CH# 17 IS NEXT CLASS MEMO TO FOLLOW ANTHONY-- # NAT PBN #
 185 CRD 28 FX 021469-1024 # FISCHRN RE 1404-1 PLS WRITE OFF 4 CTS CR ON ABV ACCT# SLLY FX# S
 24 GC 35 AV 021469-1025 # BOT 100 HR 37-# 2191-1# MAY S#S
 209 EXT 34 AV 021469-1024 RL # SLD 100 MAD 30 # CPTSN AGB#
 24 RL 38 AA 021469-1025 # SLD 47CO PW 91# GTC# LVS 17CON #
 210 EXT 37 XW 021469-1024 WH # SLD 20C FIR 61# 0012-1# WSS
 DU 39 # BLY# 200 GIV MKTN 3016-1# 200# # AV 112 021469-1024B
 179 SVR 756 CCAP 021469-1024 # CD KAB 99
 34 LS 84 HU 021469-1025 # PAE LSN WOULD LIKE TO KNCH FEB 20 DINNER PLANS AS SOON AS POSSIBLE# PETERKIN #
 HU 80 # SL# 100 PLT MKTN POSS OLPE# 2C 8163-1 # AV 113 021469-1025
 71 SIA 29 NB 021469-1024 # REG NB 104 WRA# SLD 1000 10YCTA MYCTRS REGD 92# 0188-1 THATS 92 CENTS RITE ACK PLS NB
 342 QTC 67 KC 021469-1024 # VOLUME SHO# ANIXTER BRCS INC# CLGK# S
 28 KH 2 CBT 021469-1024 # DAV---# LCJ 2840 LO 2845-50 LAST 2845# STG 2910 BID 20AX# STJ 2845 B-50 AX# S
 211 EXT 13 AB 021469-1024 RK # BOT 1 ROY 62# Q MKT# 2515-1#
 373 GTC 115 LS URD 021469-1024 # BUY# 10C KAY WINDSOR MKT# DAY# 2416-1# 100# S
 23 CJ 30 AK 021469-1026 # BOT 9 RON 22# 2#77 1286-1#
 180 SVR 759 CCAP 021469-1025 # JB REJECT# BAD ORDER SYMBCL# KAB THIS NUMBER# ASE 46 JB# BUY# 2CO BPT ADRS 22# C#
 DAY# 4447-1# 200#
 24 SX 47 CA 021469-1025 # CENTRAL BANKING SYSTEM# S
 343 QBN 61 FA 021469-1024 # QUOTE # NEW ENGLANA TEL AND TEL # BILL FA # S
 11 WA 117 WRA 021469-1025 # SLD 70 OIL SHALE 92# 1070-1 #
 58 GRM 71 KC 021469-1025 # TAYLOR# RE 200 TROPICANA ON OFFG FOR ACCT 75-3368-1# VANTER KC# S
 HD 81 # BUY# 100 AVT 33# GTC# 60 2194-1 # XW 151 021469-1025#
 024 TRMLS DCKN GY # PA 0
 374 QTC 63 PA 021469-1024 # POSS DUPE BUY OF MY ORD NRR 49# 50 DATASCAN 28# OKD BY AL KEY# 7C60-1# 50# S
 375 QTC 116 LS URD 021469-1025 # CXL BUY# 100 KAY WINDSOR MKT# DAY# 2416-1# CXL AND CONFIRM OUT# S
 23 EN 39 AA 021469-1025 # BOT 100 ZIO 13 # 13- LT# C17C-2# S
 20 PA 113 WRA 021469-1025 # BOT 35 STANGE CO 46# 5540-1 #
 47 DC 119 WRA 021469-1025 # BOT 300 NATIONAL LIFE INS CO OF FLORIDA 11# FOK# 1830-1 #
 344 QTC 68 KC 021469-1024 # NYR 1 2/14 # SOLD THRU 98-9985-G BGT KC 9070-1 PC 100 CPR 6# X LA PCX KC# S
 025 C NCNE CVER 90
 186 CRD 23 PK 021469-1024 # LES# RE 72-3788-1 SENT TRANS FAX 12/24 FOR 5 X100 DAY MINES# JUST CHECKING TO SEE IF IN
 X HAVE BEEN SENT# TO TRANS AGENT CUST ASKING# KAROL PK# #
 345 CBN 65 KC 021469-1024 # QTE GSG 6-90 MEKCN# S
 WH 54 # SL# 65 WUP 13# 3136-1# 65 # AC 245 021469-1025S
 25 WRS 55 FL 021469-1025 # AL KEY ARE U WORKING ON PART# # ADV RM# S
 SX 43 # BUY# 50 BPT MKT# DAY# 205-1# C#N 50# # ASE 227 021469-10242
 FS 39 # BUY# 50 EX 70# 4062-1# 50# # NOL 326 021469-1025
 6 AA 36 LA 021469-1024 # ERD # QTE 2 SIZE # WKW # SCHCENE# S
 26 PX 114 WRA 021469-1025 # BOT 200 KULLICKE SOFFA IND INC 14# 1932-1 #
 346 CTC 38 PS 021469-1025 # PLS QTE# KENCORP INC# S
 167 CRD 39 PS 021469-1025 # RICH# PLS TRANSFER 100# EXCUI SITE FORM 08-1859 IN STREET# NAME AS SOON AS POSSIBLE# CUS
 TOMER NEEDS LCAN ON IT# HULLIGER PS# #
 16 RA 45 XW 021469-1027 # POT 100 LSC 32 # ON A 2 LT# KEYS
 17 75 # SL# 204 UGR A MKTN 60 0164-1# 200 # ASE 228 021469-1024T

P.L. 21/1/1982
 at deposition of B. Conner
 on 3/28/82

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Exhibit A Annexed to Affidavit of Michael J. McAllister

22 PG 1139 CCAP 021469-1138 # BG REJECT# INCOMPLETE TRANSMISSION# BG STA 21 PG # V GORST # NRL # PLS ADZ
 # STATUS/S # 100 WY 83 DB DAY
 WH 77 # SL# 200 SBN 7 # 4952-24 200# AC 409 021469-1138
 SN 113 # CXL BUY# 100 APX 36# GTC# 830-1# CXL# # AM 326 021469-11385
 60 CY 62 PG 021469-1137 # NELS RE DAT# SHD BE 10000 BUSHELS# PLS ADV HOW ENTER# RR HCN #
 24 NO 16 NO 021469-1137 # DANL GATTO 18-CCB-1# 100 SHARES ENVIRONMENTAL SERVICES INC# WILL BE COMING IN
 FROM THE COMPANY ITSELF# FOR DEPOSIT IN THIS ACCOUNT# REGISTERED IN AC NAME GENEVIEVE N STONE# BE ALERT THX GINGE
 R NCA #
 1328 EXT 175 ZA C21469-1137 EDP # BOT 200 OXY 49% # DC-9554-2#
 138 TERM BG LINE 018 NO RESPONSE TO TSC #
 301 EDP 176 ZA C21469-1137 # POT 200 CMO 40% # BL-6989-1#
 1329 EXT 134 AN C21469-1137 # DC # KCG PR 8 26- STPD 26#
 353 CRD 130 TL 021469-1133 # LUNGO - RE 70-1103-769 APT CR BAL# GC TL# #
 SN 111 # SL# 200 MPD 40# GTC# 930-1# 200# # AV 208 021469-11370
 77 NYC 63 MC CRD 021469-1138 # BUY# 2 SEPT 65 SILVER PKT# 7569-7# 2# #
 WH 104 # BUY# 20 FT 39 # DAY# 3269-1-1# # NOL 587 021469-1138
 55 DU 135 AV 021469-1138 # BOT 100 GTY 44 # - LT# DCNLS
 1330 EXT 175 ZA C21469-1137 EDP # BOT 200 CMO 40% # BL-6989-1#
 146 STA 83 SM 021469-1139 # RE BOT 100 PG 84-# BUST FX 84# SORRY REPCRT AT 84- IN ERROR# ETC DK SM# #
 302 EDP 177 ZA 021469-1138 # SOLD 100 AL 29 # AR-0487-2#
 1331 EXT 135 AN 021469-1138 # FL # BOT# 100 PAK 37# FL 103# MS
 582 QTC 203 LS 021469-1138 # KEWANE SCIENTIFIC RBA LS# #
 158 LA 0 WRG AS 021469-1138 # SCHEMELN LA LUZ MNS 11--12 #
 60 132 # BUY # 400 SUB MKT # 50 ON PURCH# 150 5652-1 300 0720-1 # 450/ MKT # # AV 209
 021469-11371
 EC 133 # BUY # 500 MM# MKT # ACCT FICI TRUST # 500/ MKT # # AV 210 021469-1138#
 57 FL 0 WRG NS 021469-1142 # COM# BARTED IND NO ONLY WESCON AARNIES
 100 CN 73 RB 021469-1138 # DW CN# RE 96-2577-1 HAVE REQUESTED STK FROM CLSTR 2-13-69# DEF RB# #
 81 CY 167 WRD 021469-1133 # ERN# RECD TFR INX ON 100 GENL ELECTRONICS A NEW ACCT 96-# 3138-1 NOT LONG ADV# VA
 S CRD# #
 65 KA 317 WRA 021469-1140 # SLD 75 ALDON IND 21# 25 FOR 17-374-1# 20 FOR 17-374-1# 15 FOR 1374-1# 15 FOR 1374-1#
 54 PR 169 AA 021469-1140 # BOT 100 LTV WS 36-# 65-0519-2# #
 1332 EXT 177 ZA 021469-1138 EDP # SOLD 100 AL 29 # AR-0487-2#
 303 EDP 178 ZA 021469-1138 # SOLD 100 IBM 30# # LS-C872-2#
 1333 EXT 135 AV 021469-1138 # DU # BOT 100 GTY 44 # - LT# DCNLS
 96 PT 1176 CCAP 021469-1140 # PT KAB 101
 382 SVR 1141 CCAP 021469-1138 # FA REJECT# INCOMPLETE TRANSMISSION# CRD 100 FA # DANIEL # RE 1797 FC 7676 LAST DAY
 2-14 SHCNT THIS B
 138 TERM BG LINE 048 INTERCEPT START 0022 PRIOR# ITY
 50 AR 104 WRC 021469-1139 # MAC AR RE SOLD 62 DIN 18% 0647-1# PRICE GOES 18 # DOLORES STAS
 101 CN 98 EV 021469-1138 # BILL# RECD YOUR WIRE RE 32 CREDIT#RIFTY FIN - 17 SPRS TO BEN TFRD TO 9699-1 & 15 SHRS RET
 TO YOUR CFC, THERE WAS# AN ERROR IN TFR, WILL ADV AS SCEN AS CORRECTED# VELMA EV# #
 SN 169 # SL# 500 TOL 18# GTC# 500 18-# # AN 215 021469-11387
 49 US 136 AV 021469-1139 # SLD 100 CAL 21# 5576-2# # LRS
 138 TERM FA LINE 013 NO RESPONSE TO TSC #
 383 SVR 1146 CCAP 021469-1138 # GX REJECT# BAD CRODER SYMBOL# KAB THIS NUMBER# NRL 52 GX # BUY # 100 PCG PRB 20#
 # 528-1# 100 #
 101 CC 135 DC 021469-1138 # NYR 2# 500 DISC INC CL A # 8 31-3069-1 PLUS COM# S 55-2221-1 LESS COMM DC# XDC
 # 101 CC 135 DC 021469-1138 # NYR 2# 500 DISC INC CL A # 8 31-3069-1 PLUS COM# S 55-2221-1 LESS COMM DC# XDC

*Pl. 2/74 marked
at deposition of B. Brown
on 3/28/72*

262 TAB 156 CN 021469-1241 # NYR 12# 50 LAWTER CHEM 64-# B EN-9824-1 PC S 90-0018-1 NET X CNO# ...#

45 RA 266 WRD 021469-1241 # LONG RAN UNTD INS CO AMER WNT TO HLDG CO # FORMAT UNDER NAME UNICOA CORP
 32# DURING 1967 ADJ NET 2.10 SHR OR# 50 EARNED VS 2.16 SHR 1966 # STK HLDRS EQUITY OF YEAR END# 1967
 AMTC TO FIG SUBSTANTIALLY LESS THAN
 # MKT VAL. HE MUCH PREFER LINCOLN NATL OR AMERICAN RE INSURANCE RAYVID RCH #
 FF 196 # BUY# 200 RG MKT# 2328-1# 200# # XW 403 021469-1241P
 DF 108 # SL# 300 GTC# 3412-2# 300 # XW 404 021469-1241C
 128 SN 263 AA 021469-1242 # BUT 100 RPD 23-# 0923-1# \$
 90 WA 1531 CCAP 021469-1245 # WA REJECT MISPLACED FIGS 2 CR CR OR LF # FND 92 WA # # BUY # \$500 PLU
 S ENTERPRISE FUND MKT # # 17-1495-1 #
 714 CHN 109 CL 021469-1241 # SOBEL RACE CTE# COLUMBIA GAS 4-87# CL# \$
 524 EDP 0 ZA NS 021469-1241 # SOLD 100 UK 46# FL-5605-1 \$
 2131 EXT 0 ZA NS 021469-1241 EDP # SOLD 100 UK 46# FL-5605-1 \$
 KC 235 # BUY# 100 GRI 7 # GTC# 3223-2# 100# # AC 539 021469-12410
 715 GTC 90 CU 021469-1241 # HARV CTE PLS CALL 100 NUCLEAR CP OF AMER 30 60 90# MKT THX PAT DUB \$
 283 TAB 197 FF 021469-1245 # COA 2-13 BOT 30 TG 34 3635-1# SHUD BE 3636-1# \$
 89 LA 0 WRG NS 021469-1241 # WESTCOAST NOW CTECH 10--05
 525 EDP 0 ZA NS 021469-1241 EDP # SOLD 40 EVY 52 # TL-1313-1 \$
 2132 EXT 0 ZA NS 021469-1241 EDP # SOLD 40 EVY 52 # TL-1313-1 \$
 54 GX 275 WRJ 021469-1242 # SCARR # RE 35-8619-1 THERE IS ENOUGH FDS IN 6571 TO COVER DEB BUT # NFED LEGAL PAPERS
 # GREG SCH CRD #
 52 PA 0 WRG NS 021469-1241 # THERM AIR NFG 16-05
 FA 144 # SL # 100 AT MKT # DAY # 4822-1 # # XW 405 021469-1242
 OH 99 # BUY# 50 UIP 150 UBN DAY# 2450-2# 50# # ASE 583 021469-1242B
 526 EDP 0 ZA NS 021469-1241 # BOT 100 PSA 26-# EV-1958-1 T \$
 2133 EXT 0 ZA NS 021469-1241 EDP # BOT 100 PSA 26-# EV-1958-1 T \$
 88 FL 0 WRG NS 021469-1241 # PLEASE QUOTE PART# IND I UNDERSTAND WESCON DOES IT # TEC # JIM \$
 61 WM 59 NM 021469-1242 # LARYOREN NO WHEN & WHERE DID YOU MAIL# DID YOU RECEIVE CHECK# I BOUGHT CEA 5 DAYS AGO AT
 52X# ANYTHING GOOD DOWN THERE # AM STILL STRUNG ON ACC# RGER NH# #
 716 QBN 157 CN 021469-1242 # BND- AO 2-7-69 & 2-11-69# PLSE QTE# ROCHESTER GAS & ELECT 3- 3-1-69# TRW 52 4-1-62 FR
 ANK CN# #
 OH 98 # BUY# 50 MNY 31# DAY# 1877-1# 50# # AC 540 021469-1241
 104 NYC 12C RB 040 021469-1242 # BUY# 1 MAY SUGAR 31# CXL 2-316# 4476-9# 1# \$
 217 BU 267 WRD 021469-1241 # JUM# RE IMO WE SHO YR CDA 23 ENTO TDA BUY 800 IMD 18# DO NOT DUPE FOR
 6853-1 ANC FILLED AT 180# NDR 224 FM AA TO YCU# DOES THIS ANS QUESTION# IF NOT PLS CALL ME GARY F ASE
 STAN #
 787 DTC 24 NO DRD 021469-1241 # BUY# 2000 ORBIT INSTRUMENT 16# GTC# NO 9811-1# 2000 GTC# \$
 527 EDP 0 ZA NS 021469-1241 # SOLD 100 HNZ 70# 03-0100-0 \$
 2134 EXT 0 ZA NS 021469-1241 EDP # SOLD 100 HNZ 70# 03-0100-0 \$
 KC 236 # SL# 50 RTH 13-# 3223-2# 50# # AC 541 021469-12415
 90 EV 0 WRG NS 021469-1242 # CHARTER CONSOL ADR 10- # CRGAE FREE STAES ADR 20--1# FRE STATES GEDULD ADR 181-195
 KC 237 # SL# 25 VIL 49# GTC# 4063-2# # NOL 736 021469-1241
 HS 134 # SL# 200 CHU 12# DAY# CXL 13-# 6062-2 RCV 200 # # AC 542 021469-1241
 52 NM 0 WRG NS 021469-1242 # LINDA# RE 100 WIEN CGNS AIRLINES WS# RHAS NO RELATION TO CURRENT MKT# ODA CLXD# SNADH
 Y#
 160 CN 146 WRG 021469-1241 # MAY CN NOT YR TDE REN SLD 100 AIRCRAFT MECHANICS 16 ETC# PARENTE TAB#
 528 EDP 0 ZA NS 021469-1241 # SOLD 100 UA 76# 03-0100-0 \$
 2146 EXT 011 AM 021469-1241 RI # AIN SID 100 PFC 512# FCR HS 114# LA BRANCH# CREDIT \$75.00# ON ERROR# JOM#

*Pl. p. 161 marked
at deposition of R. K. J.
6/19/72*

87 FL 0 FS NS 021469-1255 # ELLEN# PLS GIVE THIS WIRE TO CAROL-# GCT THE PCNE NBR OF THEW JAMAICA BD OF HEALTH B
 UT CUCNT FIND THE ADDRESS ANYWHERE# NBR NBR ISW 212---658-6600# CK-DARD FS #
 255 END OF RELIYAL TO TERM FF
 427 XW 146 SHD 021469-1255 # # CEF AVGS DWN #125
 588 SVR 1604 CCAP 021469-1255 # GC KAB 155
 203 KC 465 WRA 021469-1255 # BOT 37# CS YSY NOTES 56 5-70 99 10/32# # 0031-1 \$
 814 UTC 158 GC 021469-1255 # PLS REPORT TO BUY 100 INS AND SECURITIES CO MKT FOR 5951-1 # TNX BILL GC \$
 62 PS 249 AC 021469-1257 # BOT 200 MSA 490# Q MKT# 6656-25
 569 SVR 1607 CCAP 021469-1255 # CN KAB 218
 112 FF 1611 CCAP 021469-1256 # FF KAB 201
 2293 EXT 203 ZA 021469-1255 EOP # BOT 200 JNG 23 # AM-C921-1 \$
 NX 71 # SLN 100 COE MKT# DAY# NW 6223-1# # XW 428 021469-12566
 WP 231 # BUY# 200 SWX 34# 200 34# # AN 305 021469-1257-
 732 CTC 146 FL 021469-1255 # JIN RYM RE PARTER WIL NOT DEAL WITH WESCO FLW \$
 255 C NCNE OVER \$
 569 EDP 304 ZA 021469-1255 # SLD 600 MAG 53-# 03-C100-0 \$
 2294 EXT 214 AV 021469-1255 KC # SLD 100 HMD 22-# KC 247# M5
 75 FND 183 TL 021469-1258 # KINGSLEY # RE LEGALS STOCK IN N/D ILO B VAUGHAN# AND SEATTLE FIRST NATL BANK HAS SIGNE
 D AS EXECUTOR# OF ESTATE THEIR ACCT NBR IS FL 1337-1# BILL TLN #
 69 FC 150 WY 021469-1255 # RE B 2 SEPT 5# VER 184,20 # LR 63# UR SAY UTICA# WE DCNT KNOW THAT IF U MEAN 6569-7# WE
 KNCW IT ADV MCCARTHY #
 GC 157 # SL # 200 GV XAT # 6189-1 # 200 # AC 570 021469-12556
 195 KC 184 BK 021469-1256 # BOT 50 IBM 309# 09-# 10#1206-1#5
 2295 EXT 304 ZA 021469-1255 EDP # SLD 600 MAG 53-# 03-C100-0 \$
 168 CN 1607 CCAP 021469-1255 # CN KAB 218
 238 STA 150 WH 021469-1257 # BILL RE THE REPEAT OF 170# PLS CK IT AS U SAY # SLD 15 BER 47# FOR 5896-1# WE DK THIS
 BER # ADV COT LUCY WPH
 113 FS 307 XW 021469-1255 # SLD 100 BK # XXX BSK 19# # WS
 56 GX 257 HU 021469-1257 # SCARR# RE INTL LEISURE# SORRY NO RE OFFG TODAY ATN 1100 UNIT JACK TAYLOR\$
 IL 179 # SL# 100 IAF 25-# GTC# CXL 25# GTC# 9845-1# 100# # AC 571 021469-12561
 570 EDP 305 ZA 021469-1255 # BOT 100 MD 48# CN-6718-1 \$
 2296 EXT 307 XW 021469-1255 # FS # SLD 100 BK # XXX BSK 19# # WS
 256 TERM SPVR LINE 023 NO RESPONSE TO TSC 0
 86 PL 135 BK 021469-1256 # BOT 10 GUL 312# C 32 TLN #3594-1\$
 2297 EXT 225 AN 021469-1255 LS # BOT# 100 KLU40 # LS260# LRS
 733 CTC 105 WH 021469-1255 # QTE ENTIRON# 400 SHS CRDR PENDING RACE# JPL OH# \$
 70 CSC 136 US 021469-1305 # RTA 58 US PLS US# \$
 312 TAB 219 CN 021469-1255 # LCL 15# 10 G# 45 # B RB-3248-1 \$ 98-9990...# \$
 105 DE 452 WRA 021469-1255 # SLN 100 SILVER KING MINES MKT# # ORIG BT 3391-1# REPORT TO OTC NYN 100# \$
 136 SN 454 WRA 021469-1255 # SLD 30 SAFFCO 4# PR 23# # 349-1 \$
 81 KY 192 BK 021469-1258 # SLD 60 TX 94# CPEN# 1124-1\$
 2298 EXT 286 ZR 021469-1255 # BT # BOT 200 MOU 24# CPTS# BT-3217-1\$
 79 DS 192 AB 021469-1255 # SLD 200 NGC WSN 15# GTC# 3188-2# \$
 2299 EXT 305 ZA 021469-1255 EDP # BOT 100 MD 48# CN-6718-1 \$
 CO 62 # BUY # 4 LIT MKT # C169-1 # 4 # # NOL 783 021469-12555
 277 BRM 149 HT 021469-1256 # ELCON EARLEN FCR YOUR CREDIT# SOLD 2# UA 5 -91 106# \$300 UA 5 -91 104# 80 DEC 4,40 PR
 B 71# 30 GEC 4,40 PR B 71# 30 GEC 4,40 PR B 71# 30 GEC 4,40 PR
 571 EDP 304 ZA 021469-1255 # BOT 100 MD 48# CN-6718-1 \$
 2300 EXT 147 AB 021469-1255 # SLD 200 NGC WSA 10# GTC# 3188-2# \$

Pls 162 marked
 a deposition of R. H. J.
 or 6/9/72

83 XH 8 RK 021769-0945 # PAULY PRIVATE PHOON BOI HUY PHU OF A COLLECTION FOR OTHER
 150 CTC 44 EV 021769-0946 # QTEW MONARCH INDUS EV# S
 CP 2 # SL# 100 ART 27 # 9959-1# 100-27 # # ASE 101 021769-0944A
 8 FF 35 TL 021769-0944 # PYLE # A GOOD CLIENT OF MINE RUSSELL GOODWIN WILL VALL YOU MONDAY RE INTL HYDROLINES LO
 CATED AT# 245 PARK AVE PLS HELP ANY WAY YOU CAN ILL BE OUT CF# TCWN ALL WEEK REGARDS MCFADDEN TW #
 CP 4 # BUY# 15 GRL MKT# 9528-1# # NOL 200 021769-0945#
 PX 47 # BUY# 50 ZRC 166# 9871-2# 50 # # ASE 102 021769-0945F
 PX 46 # SL# 100 TAN 5# # CG35-2# 100 # # AC 123 021769-0944#
 151 CTC 6 FX 021769-0945 # ED BRIGANTEN FREE STATE GUDULON FX# S
 6 PA 65 WRD 021769-0945 # ADELE PAN # CASH DU# 0759 827,43# 1566 769,65# 1680 241,35# 4011 1102,75# #
 217 389,65# EJ15 903,38# 9441 1567,65# 9512 3712,35# TCM CRD# #
 CP 3 # CXL SL# 200 PDY 19# # GTC CNP# 3518-1# # CXL 200-19# # AC 124 021769-0944F
 60 BAD 18 GC CND 021769-0944 # SL# 1 M BARTELL MEDIA 6#-8# 135# GC 5516-6# 1 MS
 25 RCH 7 NO 021769-0945 # VIRGINIA PROGRESS REPORT CN# RAYTHEON AND WARRACO NOT YET RECVD# CAN YOU SAY WH
 EN GINGER NUN #
 31 KC 44 WRH 021769-0948 # LEMONS PLS CHECK CUR SHIP 2-12# FCR BOX ACCT AND ADV IF WE SENT 50 SF#S IN NAME OF#
 HU AND CO WITH 50 LTV ELECTROSYSTEM NAME OF GARY# L JOHNSON ACCT 75-9813-1# IF SO PLS ADV AND RET MY ATTN #
 M ECYLE CGE# #
 PL 32 # SL# 100 RSC 12 # CERE-1 # 100 # # AC 125 021769-0945C
 36 BRM 35 FL 021769-0944 # TAYLOR# INDICATION# 500 CONTINUED CARE FACILITIES CN OFFERING# 3-2146-1# 1-2374-1# 1-2
 134-1# #
 37 RRM 36 FL 021769-0945 # AL KEY RE BARTE# THATS NOT I WANT TO TALK TO UN APT RM# S
 238 CTC 10 KM 021769-0945 # SL# 500 COASTAL CARIBBEAN OIL AND MINERALS LTD 3 CB# 1173-1# 500 3 QB# S
 23 CN 8 WRC 021769-0945 # NELSON RE AS OF 2-16 HOW MANY MAY CCRN DID YOU SELL FOR GX 6376# AND 6455 AT 1192# ADV E
 MC CRC #
 9 PT 43 BRM 021769-0946 # BOI 100 ZIRCONIUM TECHNOLOGY CORP 5# CN CFFG# 6217-1#
 128 CRD 36 TW 021769-0944 # JACK - RE 1076-7 ACCT SELLING BONDS IN CASH ACCT# WILL TFR 3100,00 TO TYPE 7 ON MONDAY#
 MCF TW# #
 PR 63 # CXL SL# 20 BNL PRV 36# # GTC# CXL 20 36# # AM 111 021769-0946H
 129 CRD 24 PB 021769-0945 # HADDACH RE 3190# PLS SH TDE 100 GAF VAL DYE 2-17# AMT 2923,63 TO TYPE 2 WHERE STK #
 S LCH TK# BARD# #
 6 RK 421 CCAP 021769-0946 # RK KAB #
 6 DU 12 WRC 021769-0946 # DALLIEN RE 3508# RE 20 WHITE CCNS YOU RECEIVED 23 SH CCM ON EXCHANGE PLUS# 23 MORE ON
 STOCK SPLIT FOR TOTAL OF 46 SH WHICH IS WHAT YOU# SHOULD RECEIVED YOU SLD 66 YCU ONE SLD 20# MIKE CGE #
 2 CMX 5 KA CRC 021769-0946 # BUY 2 CASKS FER FRESH EGGS MKT # 75-6116-9 # 2 CASKS # S
 KM 13 # BUY# 100 PLT 28# # GTC# 3362-1# # 100 2# # AV 67 021769-0946T
 10 NYC 4 PK 021769-0946 # SL# 1 CONTRACT MAY 69 SILVER MKT# GTC# 9970-7# 1 CONTRACT# S
 26 RCH 47 EV 021769-0947 # BARDELL# CUST# ASKS IF YOU HAVE CPMKCN PLS CN WHITTINGTON OIL# CO# YNX DOUG EV# S
 152 CTC 7 FX 021769-0945 # ED BRIGANTEN CALF SYSTEMS# FX# S
 9 FF 13 WRC 021769-0946 # YOLANCA RE ACCT 22-9681# CGNF CATED 2-14-69 BOI 300# TECHNICOLOR INC AT 23# NAME AND ADD
 RESS PLS SAM PJS #
 7 HC 11 WRC 021769-0946 # SAHN RE YOUR SHIP 2-13 ACCT 41-7565-1 YCU LYST 178 MOORE CORP# LTD SHOULD READ 176 SF#S
 PLS CHANGEN # POYLE CGE #
 153 CTC 8 FX 021769-0945 # KATY WINFIELD# LEA RKNAL# FX# S
 12 HS 9 WRC 021769-0945 # BOW# RE 38-1611-1 CK PD 2-14 12 464,74 PLS CFM GBC CRD #
 239 CTC 17 PS 021769-0945 # BOI 100 CANADA SOUTHERN PETE 6# TFRU 9899850 PCK# FOR 08-1763-1 PLS CFM AO 1-30 YNX#
 J PSN #
 945 TERY BRM LINE C19 NOW RESPONDING
 130 CRD 55 SX 021769-0945 # EDK CRC# PLEASE SHIP STREET STOCK# 14 BEHEHEM STEEL CORP FOR DEL TO 58-9987-0 VAL 2/2
 4167# WRC SX# #

Pl. of 76 advised
 at deposition of B. Brown
 02/13/72

16 WH 59 WH 021769-1000 N FRED 85-0012-14 RE 10 01 1318 ON SCHWARTZ COIN
 HU 66 N SLN 35 TK 2444 GTCN 2238-14 35# ASE 137 021769-C955
 205 CTC 34 CH 021769-C959 N CTE YALE EXPRESSN MK CHN 1
 33 RCH 27 EL 021769-1001 N AMEARNN PLS SINC HIGH AND LOW CF AMERICAN TEL & TEL AS OF# JANUARY 12 1969# PLS ADV JC
 ELN N
 HU 71 N SLN 35 AIP 1004 GTCN 2238-14 35# ASE 138 021769-C959M
 52 STA 74 CD 021769-C954 N GRAVE ASE OS 200 JSP 490 GOES 492 CUR ODA WAS IN AYM 494 OK AB 25 CNL A MKT# OK AS 300
 HMF 144 OK CD 100 DYH 17 CDN N
 54 BRN 70 WH 021769-1001 N TAYLOR PLS ADV WE R CXCD AND CUT CN COR IND INT 200 ALDCKN INDUSTRIES INC ON OFFERING
 4477-1 CXLD OK 2-13 ADV HW N WH N
 206 CTC 32 CF 021769-C959 N CTE CAROLINA PACIFIC PLYWCCD N DICK DFS
 289 OTC 10 PZ 021769-0959 N SLN 13 CNA FINANCIAL MKTN DAYN 3596-1# 13# S
 19 CNC 55 HS 021769-C959 N QSM NATL TERMINALS# HSN# S
 207 CTC 35 DH 021769-C959 N QTE TOYOTA MOTORSN MK CHN 1
 174 CRD 67 SX 021769-C959 N ECK CRCH PLEASE SHIP STREET STOCKN 11 MAGNAVUX CC FOR DEL TO 98-9587-0 VAL 2724765 B08
 SX# N
 21 CY 100 US 021769-1000 N JULY CY RYH ON 2-6-69N SCUTHEASTERN STATE BK 27% BIDN COMMUNITY STATE BK 77 BIDN ACM
 IRAL STAT BANK 40 BID MACK US# N
 208 CTC 36 CH 021769-C959 N CTE FUJI PHOTOCH MK CHN 1
 CU 22 N BUY# 40 TGT MKTN 4663-1# 40# N NOL 262 021769-C959T
 10 LD 43 WRC 021769-1001 N LARRY 63-4865-1 WE BARTER STILL IN TRN SCHWARTZ CGES
 53 STA 33 CJ 021769-C959 N RE CPENS 2-14# CK AS YCU SAY# GS 100 TRW 40# AB 100 KG 37% CFC 38# THANKSN FA CJ# S
 52 LA 49 WBJ 021769-1001 N ED N LAST DAY N 2302 OWES 2927,72 N 6C48 OWES 558,00 N 6160 OWES 462,59 N 6330 OWES 114
 66 N 661E OWES 500,00 N 6237 OWES 3405,31 N WSC CRD N
 PZ 11 N BUY# 100 DES 24 DBN DAY# 2568-1# 4 AN 101 021769-0959S
 4 EG 23 LA 021769-1000 N AMER ASIATIC CIL 63-8# RE UR 4 TO SL 11M B CTSN SAMN S
 209 CTC 37 CH 021769-C959 N QTE WASH SCIENTIFIC INDN MK CHN 1
 HU 70 N SLN 35 FAN 2724 GTCN 2238-14 NOL 263 021769-C9591
 17 FA 0 WPG NS 021769-1001 N RON# MONTEREY NURSING INNS 30-2 JHTL O WRC NS# REW# TORONTO BOX SCORE FOR FEB 14 -N
 ISSUES TRADED 244# ADVANCES 290# DECLINES 312# UNCH 242# NEW HIGHS 60# NEW LOWS 21 MARJ TR N
 24 EC 42 WRA 021769-1000 N CXL BUY# 100 CHARLES RIVER BREEDING LABS 254# GTCN N ORIG HU 4402-1# REPORT TO OTC NY# C
 XL 100# N
 20 SF 36 WRC 021769-1000 N BOB RE 48-1715-1 1832-1 5204-1 5206-1 5218-1# ALL LONG TSY BILLS DUE 2-20-69 U HV A CHO
 ICE OF 91 OR 142 DAY# BILLS IF NOT ADVISED BY 1130 CUR TIME WE WILL REDEEM# JOHN BOND CGEN
 PL 43 N BUY# 10 T MKTN 3599-1 N LC T N NCL 264 021769-C959C
 HU 72 N SLN 35 ASX 1324 GTCN 2238-14 35# AC 167 021769-1000
 175 CRD 68 SX 021769-1000 N ECK CRCH PLEASE SHIP STREET STOCKN 110 OCCIDENTAL PETROLEUM FOR DEL TO 98-9587-0 VAL 27
 24765# RCD SX# N
 210 CTC 38 CH 021769-C959 N QTE DEARBORN COMPLETERN MK CHN 1
 290 GTC 45 PL ORD 021769-1000 N BUY# 100 DFRD RESEARCH AND DEVELOPMENT MKTN PL 0118-1 N 100 N S
 20 CNC 21 FK 021769-1000 N CETRON ELECTN JAK FX# S
 7 NC 10 NC 021769-1004 N DANL GATCN RE ACCUNT 18-1376-1 ENTRY CHECK REC 144E,88# IT SHOULD HAVE BEEN IN ACC
 OUNT 18-1391-14 TYPING ERROR MY FAULT# CTNDY NON N
 13 EXT 3 AC 021769-1000 CD N RE CD 52# BLY 25 LDP WI 280# GTCN ACV IS IT WTS CR CCM WI ACS
 54 STA 75 CD 021769-1000 N GRAVE ASE OK AB 50 AA SHUD READ AA PRN OK AS 50 CGX 200 GCS USN OK AB 50 TX 17 GOES
 RX CC# N
 211 CBN 49 SX 021769-1000 N PLS QTEN GS 5-787 CLOW 1HO 52793# FSH 5X792# PSI 5-788# AAE 5752# HGM 5753 SHAW S
 X# N
 14 HS 0 WRC NS 021769-1002 N CLEARY# AMCH GEN INS 25-64 HARGRCH 5-6# 5-55E856 AND DEPOSTY 58-60# JOHN#

Pl. by 1/63 marked
 at deposition of A. H. B.
 on 6/9/73

2/18
 RTRA CN 73 # BUY# 8 CZ MKTN DAY# 39-1# 8# NOL 330 021869-1011
 15 DS 13 XW 021869-1015 # SLD 100 NFG 2804 UN % LT GTC 286-7# 2568-1# M \$
 EV 53 # BUY# 200 DML MKTN 14-1# 2CON # AN 118 021869-1012A
 151 SVR 594 CCAP 021869-1011 # DL KAD 26
 33 CC 56 WKC 021869-1012 # ANITA RE 4716-1 OKP 467,21 VS 10 X# SUSS CRO\$
 177 CRD 38 FX 021869-1011 # CARROLL# SOLD 15# ISY 2/28/69 ON 2/17 AND SELLING 17# SAME# TODAY RE CALL 361F-2# JAN
 FX# #
 340 CTC 82 CC ORO 021869-1012 # SL# 11 GIRARD TRUST BK PHILA 71# GTC# DC 2863-1# \$
 14 NW 28 WRJ 021869-1012 # CHARLIE SM CASH TRADES 2/7 LAST DAY 2-18# 8799-813,00# 9462-5490,12# PLS ADVISE# JACK C
 9CM #
 11 WA 3 AK 021869-1015 # BOT 50 AN 3C6# Q 31 GPN# 17-1735-1#-- 4 AK# BCT 50 FO 26# Q 28# 235E-1#
 61 HEND 48 CL 021869-1013 # SSSRT# 700 ADS 342# DAY# 9804-3# 700# \$
 21 AR 91 WRA 021869-1012 # SLD 21 LINCOLN NATL CORP INDIANA 77# 9049-1 \$
 68 PCX 17 CP 021869-1013 # SL# 20 SYNTAX CORP RITES MKTN 5398-1# 20 XMKTN# \$
 152 SVR 595 CCAP 021869-1012 # EG REJECT# INCOMPLETE TRANSMISSION# PT 43 EGN RE 400 ALBANY FF ATM
 179 CRD 41 BL 021869-1012 # JAB CRD RE 16 P SHIPPED 2-17 N- O JOHN W MARX SHD BEN FOR R2-247R-1 JK RT# \$
 CN 74 # BUY# 7 GM MKTN DAY# 39-1# 7# NOL 331 021869-1012
 59 BHM 51 FL 021869-1016 # AL KEY PE 5025 RE BARTER THERE IS ONLY ONE SOLUTION SEND# HIM STK AS PER INX TO LOSE EV
 5X PARTIAL AMT WUD SHUT HIM UP CFM REC WIRE RM# #
 24 SN 86 WRH 021869-1012 # FELYC RE 2127-1 OKP 6311,69 HAD YOUR WIRE BURIED CIENT FIND# TILL LAST NITE LEN CRD \$
 21 PL 89 WRH 021869-1012 # ELLEN# REC PYMT ON 16-5078-1 PLS CNCL POS WIRE GATTO CRD \$
 CN 75 # BUY# 100 WAF 7-# DAY# LICO-1# 100# AC 241 021869-1012#
 9 RB 29 KY 021869-1013 # THOMAS LOEWI OUT OF RED HERRINGS ON NATL TAPE# THEY ARE REPRINTING THEM AND WILL GIVE #
 E SOME ASM SDON AS OF THE PRESS WILL SEE U GET 2 VOGEL KY#
 GC 59 # SL# 400 TGT 30# 5704-2# 400# AN 119 021869-1012X
 GC 57 # SL# 20 FAC 80# 7185-1# NOL 332 021869-1012
 CC 81 # BUY# 40 IUP 31# GTC# 1691-1# NOL 333 021869-1012\$
 92 TAG 100 LS 021869-1012 # PARENTE# RE 3011-1 WE HV CFM TR 12-18 SLD 40 UNIVIS AT 26 THIS# WAS RUN IN ACCT 3029-1
 BUT NEVER SWO ERIC LSN #
 26 PX 90 WRA 021869-1012 # BOT 110 TIME SHARE INC 13-# 4 2222-1 \$
 31 GC 0 WRC NS 021869-1018 # MARGEN DCALLS 30 YP OP 6 MO 10 DAY# SHM 262,50 200 175 150# RE 362,50 287,50 237,50 2
 00# LTR 875 6754575 4754
 EL 48 # SSSRT# 700 ADS 342# DAY# 9804-3# 700# # AM 137 021869-1013R
 25 FND 39 FX 021869-1013 # PHIL# RE 52-9306 AND 100 VANCE SANDERS SPL FD VANCE# SANDERS SAYS THE BK HAS THE TRAD
 E IN HU NAME PUT DOW NOT HAVE INSTX PLS SEND THEM INSTX# GLENN FX# #
 179 CRD 99 LS 021869-1012 # MORRAN RE 5455-1 CK REC 2-14 IS FOR 400 CCA CCLA CO TDE 2-5# RICK LSN \$
 45 CNG 35 DE 021869-1012 # COMMUTER AIRLINES DEN \$
 13 CF 38 SX 021869-1013 # OF 2240-1 SLD 100 ARISTOCRAT TRAVEL PRODS 28 ST 27-1 # NET SEOTC SX# \$
 71 STA 59 FA 021869-1012 # ED CLOSE # RE YA YR WIRE 407 AC # BOT 30 CJV 16# 2795-1 # AND 397 AC # BOT 30 CJV 16
 # 2795-1 # ONLY ONE REPORT ON OUR WIRE 182 # PLS ADV # FA # #
 46 CNG 37 CA 021869-1012 # TALLY CORP# \$
 27 TL 23 AA 021869-1012 # SLD 100 ART 24-# TL 67# \$
 71 EXT 23 AA 021869-1012 # TL # SLD 100 ART 24-# TL 67# \$
 29 SX 38 CA 021869-1012 # CENTRAL BANKING SYSTEM# \$
 323 CTC 34 CE 021869-1012 # CGES SCIENTIFIC DEN \$
 CC 83 # SL# 20 QDD RAY GTC# 9709-1# NOL 334 021869-1012-
 GC 62 # SL# 200 MAG MKTN 7963-2# 200# AN 120 021869-1013
 329 CTC 37 CE 021869-1012 # FIRST GENERAL REAL ESTATE TRUST OF# \$
 PX 84 # BUY# 40 GUN MKTN 4794-1# 40 # AC 242 021869-1013

Pls. Pl. 77 marked
 at direction of B. Brown
 on 3/28/72

A 343

Exhibit A Annexed to Affidavit of Michael J. McAllister

KC 192 # BUY# 100 DES 224 0000-1M MHS
 474 SVR 1245 CCAP 021869-1226 # LY KAB 130
 82 CL 265 AV 021869-1225 # SLD 100 X 44-# 0000-1M MHS
 2544 EXT 263 AN 021869-1225 SM # SLD # 300 DOR RT 3/32N DQMS
 226 L UP
 118
 FU 313 # BUY# 10 IMM MKT# DAY# 2918-1# NOL 884 021869-12252
 558 CRD 143 FA 021869-1225 # DANIEL # RE 0301-1 CK PD 2-T7 5132.35 FOR 100 SENECA 12-9 # 10 MCCORRY AS OF 2-4 100
 TUMOS DE MEX AS OF 2-4 # 36 TUMOS DE MEX AS OF 2-6 # 200 WRIGHT HARGREAVES AS OF 2-6 # 100 BRANIFF 1-28 # JANET FA #
 127 CGE 129 CL 021869-1227 # BIRD# SEC REQ WHEN ARE WE GETTING 2M TENNECO 7 CCI 93# FOR 79-2276-1 NAME MRS INDIA P
 LILLY ORIGINAL INX# SENT 10-31# MORE #
 83 CL 227 WRC 021869-1227 # RE SL 200 TOL MKT# STOP AT 174# ALN #
 48 SM 301 AM 021869-1226 # SLD 90 WOB 124# WMBLAIRS
 2545 EXT 264 AV 021869-1225 # RH # SLD 100 AMF 25 # 3785-1# DCL3
 48 JR 123 BL 021869-1226 # GREAT SO REAL ESTATE TRUST# LEE BLN #
 138 CN 342 AC 021869-1227 # SLD 400 HGE 240# GTC# 7202-1#
 2546 EXT 234 AB 021869-1225 # FA # SLD 100 ABY 17 # FA 67#
 114 FA 237 AU 021869-1226 # BOT 50 MAL 12# U MKT# 2795-1#
 2547 EXT 265 AV 021869-1225 # CL # SLD 100 X 44-# 0000-1M MHS
 559 CRD 104 DE 021869-1226 # RJL WIKED YOU OTHER DAY THAT \$40.00 CR ON BAL DUE ON # 80-3751-1 WAS CREDITED ON BANK
 REPORT AS ACCT 3571-1# INSTEAD OF 3751-1# RE 4313-2 SHIPPED YOU 30 SH UNION CARDIDE FOR ACCT ON# 2/17 JJ DE #
 88 WR 483 WRA 021869-1226 # SLD 40 SYN # 13716# NOL # 20 9807-1# 20 9306-1 #
 55 CH 332 XW 021869-1228 # EAL 280-#
 2548 EXT 299 AM 021869-1225 # UR # SLD 100 BAX 42# LRS
 KC 149 # SL# 25 SAC MKT# GTC# 3223-2# # NOL 885 021869-12258
 193 CK 235 AM 021869-1225 # HUT 100 TSM 27# GTC# CK 194#
 2549 EXT 235 AB 021869-1225 # CK # BOT 100 TSM 27# GTC# CK 194#
 RS 104 # BUY# 500 KPC MKT# 2305-2# 500# # ASE 606 021869-12257
 77 OA 115 SF 021869-1225 # INS SEC INC 13 -# SF# #
 196 HR 272 AN 021869-1228 # OUT# 100 T 54# BR 220# APP#
 2550 EXT 264 AN 021869-1225 # RL # SLD# 200 SUN PFD 52# SWA # #
 272 RL 265 AN 021869-1226 # SLD# 100 ZB 60# STOP # SWAB#
 2551 EXT 236 AM 021869-1225 # HU # HUT 3 MAL 12# U MKT# 5600-1#
 60 WRS O LA NS 021869-1228 # TED G # JUST THOT DO LR KAO WE JUST HAD A SYSTEM # FAILURE MONSTER STOPD POLLO FM 90
 R-917 OUR TIME # DURING WHICH TIME I TRIED UNSUCCESSFULLY # TO RAISE HU ON THE NEWSWIRE, ORCRS DELAY# ALMOST 10 MIN, AF
 TR WE FINALLY GOT SENT ON # MONSTER J
 USTIA CAME IN ON NEWSY SAID NOT U WANT # DOBLA. # #
 452 GTC 314 ARM 021869-1226 # PLS QUOTE ZOE NEW ON PCX# THANKS# AUS BRMS
 KC 190 # SL# 25 CA MKT# GTC# 3223-2# # NOL 886 021869-1225
 246 HRM 123 FL 021869-1225 # AL KEY ANYIG ON DANIEP ADV ARM #
 104 FF 37C AK 021869-1227 # SLD 25 SCE 3HE# 1041-2# #
 2552 EXT 300 AM 021869-1225 # BO # BOT 1000 NRI 282# 1-8 9'GS#
 84 NYC 133 PT WRD 021869-1226 # BUY 5 MAY PUTS 310# DAY# 3336-9# CFN SN #
 KC 191 # BUY# 50 AKX 70# GTC# 3223-2# 50# # ASE 607 021869-12265
 103 FF 479 WRA 021869-1226 # HUT 35 MOULDING INC 42-# # 5191-1 #
 147 SF 484 WRA 021869-1227 # RE BUY 5# OZARK 6# DB 107-# FOR YOUR DUT 106-B 444# #
 150 AV 138 SHH 021869-1227 # SPN CD 211# RE REPORT 177 CD 204 AV# SLD 100 CCI 16 CON 136 OUR RPT WAS IN TO # BUY
 AND THE DRPFR NHR WAS # 186# ADV PLS REV CD# #
 41 AM 282 AA 021869-1226 # HUT 100 WPT 110# 1045-1# #
 2553 EXT 237 AM 021869-1226 # FA # HUT 50 MAL 12# U MKT# 2795-1#
 2554 EXT 238 AM 021869-1226 # FA # HUT 50 MAL 12# U MKT# 2795-1#

Pl. Pl. 78 marked
 at signature of B. C. C.
 on 3/28/72

154 PL 0 WRA NS 021869-1237 # RE SL 200 AMER HYDROCARBON 1-N MAKE THAT SLD NOT SLN \$
 EG 155 # CXL SLN 200 VAL 103 # 3852-2# CXL 200# ASE 637 021869-1237L
 40 FL 227 WRD 021869-1236 # RUFF FLN 7066-1 YR MSG SES TO XCHG VARE CORPN FOR MICRODOT THIS ACCT# ONLY
 LONG 400 VALLEY MOULD IRON# ADV MLOBE CRD# #
 151 HEND 51 PS 021869-1237 # BUY# 500 INA 45 # 9912-1# 500# \$
 847 CTC 61 GX 021869-1237 # BUY# 100 COLONIAL LIFE ACC MKT # 1732-1# 100 # \$
 200 199 # BUY# 30 Y MKT# CXL 30 537# 3579-1# NOL 917 021869-12367
 100 BL 0 WRA NS 021869-1237 # RE 493 #XAN SL 100 WESTERN PUBLISHING 27# MAKE THAT SLD NOT SLN \$
 GX 63 # BUY# 100 TUV MKT # 1732-1# 100 # # AN 381 021869-1237H
 56 AD 0 WRA NS 021869-1236 # SCHLENK# RE EARTH RESOURCES 14-16#
 GC 192 # BUY# 20 SN MKT# 3579-1# NOL 919 021869-1237
 71 FL 228 WRD 021869-1237 # RM FLN RE BARTEP# STK DEFINITELY IN TFR# BILL SHYFFE WORKING ON DETAILS# W
 UD LK CALL U # 1122 LUNCH APT 1:30 OR 2# WAS UNABLE TO CTC U THIS AM BCSE CKIS WERE # BUSY HV U BY AGEE TO
 CTC CUSTR AL #LY BRM# #
 531 CRD 66 LD 021869-1236 # SEMP # RE ACCT 63-7460-2 # WHAT IS BUYING PWR # RACE PLS # SHADON LD # \$
 280 TAB 231 CN 021869-1237 # NYR 15# 200 WESTCOAST PRODUCTIONS 10-# B 90-1687-1 PC S 90-0025-1 NET
 X CAC# ... #
 582 CRD 62 MX 021869-1237 # MORRA 69-3674-2 TKS AND I AGREE NEED APT 2210.52 VS 400# MINERALS B TDF FEB 7 #LVAN
 ROU #
 237 END OF RETRIEVAL TO TERM SVRD
 59 AN 0 WRA NS 021869-1237 # NATL PRODUCERS LIFE 1-# JOHN#
 146 CN 396 AK 021869-1237 # SLD 60 DNF 206# 7100-1# \$
 282 TAB 202 TL 021869-1237 # JIM - RE RPT TUAN BUT 100 LLA 25# AO 2/11 BUST 25# TL 2451-2 ASF# PLS SEND NEW FIGS
 TNX# BARB TLN #
 55 CPD 0 FS NS 021869-1238 # BOBA WJW# NOT A COMBO U MUST BE REALLY GOOD LUKIN WITH A MIXTURE LK TTA IN IRISH AND
 ITALIAN/HOWS TT COMBO/ HA HA# IS OK WIFE IRISH TUUUUUUU BAR#
 67 PDS 44 TE 021869-1237 # SAM - RE OPENED ACCT# 142-03-2511 14-3723-61# MR FRANK M MEYEREND C# MRS ANNA C #
 EYEREND JTHKS# 491 PLAZA BLVD APT 11A# MURRISVILLE PA 19067# TE# #
 77 FND 85 RA 021869-1244 # BUY# 10 M AFFILIATED FUND MKT# LOI DTD 4-22-68# 1859-1# 10 M# \$
 679 CTC 171 US 021869-1237 # REPORT STATUS SLN 200 INYER NUCLEAR 25 CUN 1993-1# CAY# 133# WLS USA \$
 149 CN 504 WRA 021869-1237 # RE BUY 200 URICO IND CURP MKT NET# ORDER CXLD MEMO 369 \$
 CA 124 # BUY# 100 CAN MKT# DAY# 21CG-2# 100# # AC 718 021869-12371
 289 STA 94 EL 021869-1237 # REPORT STATUS #BUY# 200 INC 27# 0914-1# PLS ADV IF ANYTHING DONE PLS ADV 2ND REQUEST
 # #
 27 KF 150 SHD 021869-1239 # DSN 46--# 1-7# \$
 59 ND 147 SHD 1G4 021869-1237 # SLD 100 MAR 20# BUST 100 FOR NB 0806-1# 0806-1 50 SHRS# 9R-013R-0 5C SHRS# \$
 848 CTC 179 PX 021869-1237 # BUY# 500 H# PARKS 10# 4033-1# 500 # \$
 281 TAB 233 CN 021869-1237 # NYR 16# 150 PRECISION INST 39# NET# B 90-0467-1 S 9R-C121-C X CNOA
 ... #
 92 FL 0 WRA NS 021869-1237 # RE 375 CROWN IND OF FIA 16# NO BID FOR STKS
 47 KM 235 WRD 021869-1240 # SYD KM# RE 3 NP 63# 3890-1# 25 TFD 27 1583-1# OK ALL XD BILL NOL ST
 AN #
 217 DND 132 TO 021869-1237 # REQUEST STATUS/DN 3M NYT B 6X83 132# DAY# 2488# RE TO 41 ENTD 2-18 F TC # \$
 OA 125 # CXL SLN 100 PCG 38# GYCN 1406-1# CXL# # XN 485 021869-1237E
 117 FF 503 WRA 021869-1237 # BUT 200 TASSETTE INC 16# # 2107-1 \$
 147 CN 344 XN 021869-1237 # SOLD 200 AZP 26-# LVS 200# # CN 214# GOOD \$
 EN 135 # BUY# 200 WYS MKT# 3904-1# 200# # ASE 638 021869-1237
 20 CR 123 CY 021869-1237 # 1130 ADVERAGES DOWN 62# \$
 513 SVR 1392 CCAP 021869-1237 # SHD KAS 146
 43 FX 0 FS NS 021869-1237 # OH NY LORD# IT'S REALLY BUSY NOW# TALK TO LYNN SORRRRRRY# PARRS

Pl. Pl. 79 merged
 at the direction of B. C. C.
 02/13/77

3 MYTHE SENDING YOU 100 DLD TO LACHIE WATKINS
 6 SEND CFF STOPPED TO HU - GANNON CGE
 3 PZ 9 SHD 022169-0934 # RICE PZ RE 2151-1 2447-1 7704-1 SHOW FDS DUE# LEO CRON \$
 1 FA 4 SHD 022169-0932 # BOT 100 DXY 452N BUST 5955-1 AO 2/20N FA 5155-1N \$
 3 ON 0 CSC NS 022169-0948 # ATTN HQ# SEE A FEW OFFICES ASKING IF OK TO SEND BKS YOU CAN # SEND THEM ANYTIME YOU
 LIKE TODAY THATS ONLY TODAY # HIGH #
 2 LA 8 SHD 022169-0934 # MILBANK LA - I BLV THE POLITICALS WILL SEE TO IT THAT THE SEL,S ARE# NOT STARVED FOR F
 DS BUT DONT OVERLOOK THE THREAT OF HIGHER RATES # FOR DEPOSITORS, IN ANY EVENT CANNOT SEE BOOM TIMES FOR THEM, AND THE#
 PRICE/EARNINGS RATIOS ARE NOT LOW E!
 THER, OUR STANDARD FOR RECOMMENDING SAVINGS & LOANS IS TO PAY NO MORE THAN 125 PCT OF BOOK VALUE, AFTER# ALL FULL LINE
 BANKS WHOSE EARN# ARE FIGURED AFTER N
 DRMAL INCOME TAXES# AND WHICH SELL AT ABOUT 13 TIMES EARN# AND PAY CASH DIVDS OF 3%-4 PCT# ARE SELLING AT ABOUT 125 PC
 CF BOOK, SEE GENERAL BANCSHARES MARI
 NEW MIDLAND AND DETROIT BANK & TRUST ICA MEETS THIS TEST AMONGST THE# SEL,S, ACT MORE THAN A FEW DO - RAYVID KCF# #
 1 OA 10 SHD 022169-0935 # DUT AO 1940-1 100 FREQUENCY ELECT DLD 2/20 PLS RETURN SOLD IN TERM BUD CRON \$
 2 TL 23 SHD 022169-0945 # ANN TL RE 709934-1 RE 36 WESTCAST AIRLINES SHOWN IN SHRT PCS# DATING WAY BACK ADV TNX
 DOW# CRON \$
 8 PT 20 SHD 022169-0944 # DANPT RE 3337-1 \$327,02 DR BAL TODAY LAST CAY ACV# EDDIE CRON \$327,02N \$
 A BRP 17 CCAP 022169-0930 # HU KAB 14
 13 CKD 5 CH 022169-0930 # BALN WA RE 1500 GEN OC91-1 ILL GIVE YOU# SOMEONES NAME TO DELIVER TO THAT KNOWS ABT# I
 HIS ITEMS JPL CH# #
 14 CRD 0 BT AS 022169-0930 # JAD CRD RE 4521-1 WHEN CAN CUST EXP DEL 50 MPC TO BEN DEL TO J B SUSHNIK BT JK BT# \$
 15 CRD 6 CH 022169-0931 # BALN AS-1990 WANTS TRF 60 CRI NBR 1 TC TYPE 2# WILL THIS INCREASE NET CH# JOE CH# \$
 2 FL 3 WRC 022169-0931 # RM FL# RE PART# WE STILL HAVE NOT RECEIVED STOCK FROM TRANSFER AGENT# SHYTHE CGE# \$
 1 FF 29 SHD 022169-0935 # FF RE DGT 100 2RN 27 1879-2 CK FEB 20 YR DRD ENTD 12,06 SALE# AS THEY APPEAR ON TAPE
 12,05-27- 12,10-27- 12,22-27- 12,38-27- 12,42-27 FCR 500 SHS YRS FOR 100 SHS WAS IN THERE - # MCB SHOWN #
 8 SVR 31 CCAP 022169-0943 # HU KAB 33 THRL 34
 16 CRD 9 KC 022169-0935 # UCC# RE 5559-2 TFR CR BAL TO 1# HARRISK# \$
 11 STA 4 KC 022169-0934 # RAY# RE OUT SELL 100 ASU 17 ITS CUR 3 FROM PZ ENTD 2/19 # ACCT 3574-1 THAT WAS CHANGED T
 0 A MKT CRDER YA OUR NO # 53 CPO 17 GTC# DISREGARD OUT BUY 100 ATO 14# RE ADD BUY 200 AS 59 NO REPORT NOR PAGED CFH REC
 DW CK RE GOV AS YOU SAY CLKCH# #
 6 PT 18 WRE 022169-0936 # DAN LEGAL TFR CK # 100 INTL MINING CCRP 74-1305-1 # SCHWARTZ CGE#
 5 TAB 5 DE 022169-0932 # FRANK SEE PAGE CFM YSTDY 2/20# SOLD 100 DRESSER INDUSTRIES 31 FOR 80-0642-2# STOCK WE S
 OLD WAS 100 CIA 31 WHICH IS DIAMOND SHAMROCK# CORP CK AND ADVISE EEDEN #
 4 CD 6 WRC 022169-0934 # RE CPEN CCNFIRMS 2/20# U-FAIL# 0/5 2C ATH 56# PR NDR 142# ASE STA GRACE# \$
 2 CN 2 WRJ 022169-0934 # OTIO # SHIPPING REGD PKG NBR D90162 DTD 2-20-69 # BOYLE CGE \$
 4 NL 3 WRJ 022169-0934 # ELSIE # SHIPPING REGD PKG NBR D90179 DTD 2-20-69 # BOYLE CGE \$
 3 BO 1 WRJ 022169-0934 # BAKER # SHIPPING REGD PKG NBR D90161 DTD 2-20-69 # BOYLE CGE \$
 2 PK 19 HU 022169-0932 # JUDY# RE 2989-1 YES 12 PN IN# TFR RE 2212-1 28 UNIC# PAC IN TER ONLY ONCE# LES CRD#
 2 HS 9 WRC 022169-0934 # RE UPENS CONFIRM 2/20# U-FAIL# A/S 10 CHD 12 NDR77# YCUR O/B 100 MDT 6# GOES O/B 100 MD
 T 3-C 6XLT 7121-1# ASE STA GRACE# #
 7 CGE 0 BT AS 022169-0932 # MAL CGE RE 1121-1 RECD \$100 # FED LN BD 5,75 SER E DUE# 7-25-69 WITHOUT CPN ATTACHED
 ADV IF YOU WILL FORWARD CPN OR DO YOU WANT BD RETURNED ADV ASAP JK BT# #
 3 KM 20 HU 022169-0932 # VIN RE 3341-1 CK PD 2/17# FCR 2,62 WHERE DOES THIS BELONG THX# LES CRD#
 932 C 47 C-2 54 2-0
 3 LA 6 WRJ 022169-0935 # ANN # SHIPPING REGD PKG NBR D90182 DTD 2-20-69 # BOYLE CGE \$
 4 KM 21 HU 022169-0932 # VIN RE 3235-1-2# AFTER FFR INT CUST# ONES US 8,16 IN CASH ACCT & 20,50 IN MGN THESE#
 ARE COOL CHACES & MUST# BE PAID ADV LES CRON
 RE PFA CONFIRMS 2/20# YCUR C/5 50 NVD 12# GOES O/B 50 NVD 12# ASE STA GRACE# \$

Pl. Ex 81 marked
 at deposition of Michael J. McAllister
 5/25/92

28 CH 140 WRH 022669-1120 JPL 1602-1 CXL DEL 100 ARIZ P S 11-6N 0617-1 DEL 100 ARIZ P S 11-6N MADE ENTRIES
 2-26N JOE CRDN #
 FC 93 # BUY# 500 PFN MKT# 3645-2N 500N # ASE 350 022669-1120N
 339 CRD 66 CY 022669-1120 # SHANK KA GRAIN CFM SOLDN 5 OK 68% 5 OK 68% #
 SX 103 # BUY# 200 MEC 400 GTC# 448R-1TN US CITIZEN FREE OF TAXN CFN 200 400 # AC 320
 022669-1120
 SM 60 # BUY# 1000 LH 9N GTC# 1000N # ASE 351 022669-1120S
 105 DRM 60 CL 022669-1120 # TAYLORN CXL HV IND INT IN 100 MR STEAK ON OFFGN CL 3989-1N CXL# #
 FA 102 # BUY# 100 TV 200 # GTC# 4607-1N # XW 228 022669-1120
 PZ 26 # BUY# 100 LVD 10N DAYN 9822-1N # AM 283 022669-1120R
 54 KA 66 CY 022669-1120 # SHANK KA GRAIN CFM SCLD# 5 OK 68% 5 OK 68% #
 61 FND 74 CO 022669-1121 # KINGSLEY # PLS GIVE ME THE SYMBCL FOR # VANCE SANDERS SPECIAL FUND # THX GASTON CO # #
 72 FF 127 AA 022669-1121 # LOGN 12- # YRN ERON #
 72 FL 43 WR 022669-1120 # H 10 JULY R SUGAR 352N UR 92N 6926-76
 284 AM 33 CP 022669-1120 # OK RE BOT ROTHAN LTSH CLO U TELL THE GUY# TO GIVE ME THE REPORT# SO I CAN GET IT BUSTE
 DNN TKS CHAS CPNN #
 3 CP 0 BK NS 022669-1120 # RE 107 BK# BOT 75 WSW 30 # 7989-1 PLS MAKE IT 74N AYS I REPEAT 74 SHRS# TNX# BKN #
 947 EXT 76 AU 022669-1120 NR # BOT 300 PEN 52N GTC# 2071-1N #
 DU 65 # BUY# 100N MKT# 5345-1TN # NOL 494 022669-1120
 BL 70 # BLY# 100 # MKT# 5206-2N 100 # XW 229 022669-1120-
 342 CRD 82 DC 022669-1120 # SUSS # RE 49C3 HV WE RCVD FM DUPONT IF NOT WUDN YOU CK IT OUT, TNX RHOADS DCN #
 33 CL 0 WRG NS 022669-1125 # RE SL 2000 CUCHENAU HILLANS 2.10N 0616-1 1--D #
 TO 39 # BUY# 100 FKR 14- # FOKN # 3293-1N # AC 321 022669-1120A
 340 CRD 67 CY 022669-1120 # SHANK LA GRAIN CFM SOLDN 2 PRH 3585N 5 WN 130N #
 55 KA 74 CY 022669-1122 # KEN YFS NELSV #
 106 DRM 94 EG 022669-1121 # DFS # R U IN FOR CALL # RAGS EGN #
 176 TAB 82 DE 022669-1120 # MCCARTHY NEW BAL FCR BK 817 IS 124168.34N CREDIT OF CK 2437 IN AMT 825.36 AND CREDIT 0
 F# CK 1775 IN AMT 217.500 THESE CKS WERE LOST BYN CUSTOMER AND HV HAD PAYMENT STOPPED ENG DEN #
 73 FL 142 WRH 022669-1120 # RM FF DARTER THIS IS STILL IN TRFS AT AGENT# SMYTHE CGEN #
 189 STA 102 HAH 022669-1120 # NRL# PLEASE CONFIRM# PUR 200 RS 45 20-8794-3N AUS BRH#
 TL 85 # SL# 100 AL 27- # 3190-2N # XW 230 022669-1120
 HQ 62 # BUY# 25 T 50N GTC# CXL 49 # GTC# 2449-1- TN 25 T # # NOL 495 022669-1120
 9 DC 71 CY 022669-1121 # SHANK DC GRAIN CFM SCLD# 10 CK 117-1N #
 281 SVR 935 CCAP 022669-1120 # FS REJECT# BAD ORDER SYMBCLN KAB THIS NUMBER# ASE 52 FSN BUY# 100 NOR 10N GTC# C62
 7-1N 100N
 34 FS 935 CCAP 022669-1120 # FS REJECT# BAD UNDER SYMBCLN KAB THIS NUMBER# ASE 52 FSN BLY# 100 NOR 10N GTC# 062
 7-1N 100N
 948 EXT 131 AN 022669-1120 RB # RDT# 100 KFC 40- # RB 72N EFH#
 285 AM 34 CP 022669-1120 # D-I-S R E G A R D N N Y 33N TKS CHAS CPNN #
 51 RR 131 AN 022669-1120 # BOT# 100 KFC 40- # RD 72N EFH#
 52 RR 70 CY 022669-1121 # SHANK RU GRAIN CFM RCTN-1 PRN 3710N-1 BOK 864N #
 949 EXT 93 AV 022669-1120 SX # BHT 100 ED PR A 75- # LHMS
 38 TO 145 AM 022669-1121 # SCL 100 HIT 35N 1492-2N CDT
 950 EXT 77 AB 022669-1120 KA # BOT 100 AN 824 Q MKT# 0523-1N #
 120 TFRM IN INTC GY 1-0N
 343 CRD 68 CY 022669-1120 # SHANK HS GRAIN CFM POT# 5 SRK 26AN HS SCLD# 1 BOK 863N #
 58 AL 133 XW 022669-1121 # BOT 100 WKR ACEN ON 61 LT# AL 6N BREG #
 33 RA 130 AA 022669-1122 # ROT 1000 CVL 100N Q 11 LT# 9811-2N #
 AR 47 # SL# 400 DIN 10N DAY# 7971-1 100N 7977-1 100N 7973-1 100N 7974-1 100N 7975-1 100N 7976-1 100N 7977-1 100N 7978-1 100N 7979-1 100N 7980-1 100N 7981-1 100N 7982-1 100N 7983-1 100N 7984-1 100N 7985-1 100N 7986-1 100N 7987-1 100N 7988-1 100N 7989-1 100N 7990-1 100N 7991-1 100N 7992-1 100N 7993-1 100N 7994-1 100N 7995-1 100N 7996-1 100N 7997-1 100N 7998-1 100N 7999-1 100N 8000-1 100N 8001-1 100N 8002-1 100N 8003-1 100N 8004-1 100N 8005-1 100N 8006-1 100N 8007-1 100N 8008-1 100N 8009-1 100N 8010-1 100N 8011-1 100N 8012-1 100N 8013-1 100N 8014-1 100N 8015-1 100N 8016-1 100N 8017-1 100N 8018-1 100N 8019-1 100N 8020-1 100N 8021-1 100N 8022-1 100N 8023-1 100N 8024-1 100N 8025-1 100N 8026-1 100N 8027-1 100N 8028-1 100N 8029-1 100N 8030-1 100N 8031-1 100N 8032-1 100N 8033-1 100N 8034-1 100N 8035-1 100N 8036-1 100N 8037-1 100N 8038-1 100N 8039-1 100N 8040-1 100N 8041-1 100N 8042-1 100N 8043-1 100N 8044-1 100N 8045-1 100N 8046-1 100N 8047-1 100N 8048-1 100N 8049-1 100N 8050-1 100N 8051-1 100N 8052-1 100N 8053-1 100N 8054-1 100N 8055-1 100N 8056-1 100N 8057-1 100N 8058-1 100N 8059-1 100N 8060-1 100N 8061-1 100N 8062-1 100N 8063-1 100N 8064-1 100N 8065-1 100N 8066-1 100N 8067-1 100N 8068-1 100N 8069-1 100N 8070-1 100N 8071-1 100N 8072-1 100N 8073-1 100N 8074-1 100N 8075-1 100N 8076-1 100N 8077-1 100N 8078-1 100N 8079-1 100N 8080-1 100N 8081-1 100N 8082-1 100N 8083-1 100N 8084-1 100N 8085-1 100N 8086-1 100N 8087-1 100N 8088-1 100N 8089-1 100N 8090-1 100N 8091-1 100N 8092-1 100N 8093-1 100N 8094-1 100N 8095-1 100N 8096-1 100N 8097-1 100N 8098-1 100N 8099-1 100N 8100-1 100N 8101-1 100N 8102-1 100N 8103-1 100N 8104-1 100N 8105-1 100N 8106-1 100N 8107-1 100N 8108-1 100N 8109-1 100N 8110-1 100N 8111-1 100N 8112-1 100N 8113-1 100N 8114-1 100N 8115-1 100N 8116-1 100N 8117-1 100N 8118-1 100N 8119-1 100N 8120-1 100N 8121-1 100N 8122-1 100N 8123-1 100N 8124-1 100N 8125-1 100N 8126-1 100N 8127-1 100N 8128-1 100N 8129-1 100N 8130-1 100N 8131-1 100N 8132-1 100N 8133-1 100N 8134-1 100N 8135-1 100N 8136-1 100N 8137-1 100N 8138-1 100N 8139-1 100N 8140-1 100N 8141-1 100N 8142-1 100N 8143-1 100N 8144-1 100N 8145-1 100N 8146-1 100N 8147-1 100N 8148-1 100N 8149-1 100N 8150-1 100N 8151-1 100N 8152-1 100N 8153-1 100N 8154-1 100N 8155-1 100N 8156-1 100N 8157-1 100N 8158-1 100N 8159-1 100N 8160-1 100N 8161-1 100N 8162-1 100N 8163-1 100N 8164-1 100N 8165-1 100N 8166-1 100N 8167-1 100N 8168-1 100N 8169-1 100N 8170-1 100N 8171-1 100N 8172-1 100N 8173-1 100N 8174-1 100N 8175-1 100N 8176-1 100N 8177-1 100N 8178-1 100N 8179-1 100N 8180-1 100N 8181-1 100N 8182-1 100N 8183-1 100N 8184-1 100N 8185-1 100N 8186-1 100N 8187-1 100N 8188-1 100N 8189-1 100N 8190-1 100N 8191-1 100N 8192-1 100N 8193-1 100N 8194-1 100N 8195-1 100N 8196-1 100N 8197-1 100N 8198-1 100N 8199-1 100N 8200-1 100N 8201-1 100N 8202-1 100N 8203-1 100N 8204-1 100N 8205-1 100N 8206-1 100N 8207-1 100N 8208-1 100N 8209-1 100N 8210-1 100N 8211-1 100N 8212-1 100N 8213-1 100N 8214-1 100N 8215-1 100N 8216-1 100N 8217-1 100N 8218-1 100N 8219-1 100N 8220-1 100N 8221-1 100N 8222-1 100N 8223-1 100N 8224-1 100N 8225-1 100N 8226-1 100N 8227-1 100N 8228-1 100N 8229-1 100N 8230-1 100N 8231-1 100N 8232-1 100N 8233-1 100N 8234-1 100N 8235-1 100N 8236-1 100N 8237-1 100N 8238-1 100N 8239-1 100N 8240-1 100N 8241-1 100N 8242-1 100N 8243-1 100N 8244-1 100N 8245-1 100N 8246-1 100N 8247-1 100N 8248-1 100N 8249-1 100N 8250-1 100N 8251-1 100N 8252-1 100N 8253-1 100N 8254-1 100N 8255-1 100N 8256-1 100N 8257-1 100N 8258-1 100N 8259-1 100N 8260-1 100N 8261-1 100N 8262-1 100N 8263-1 100N 8264-1 100N 8265-1 100N 8266-1 100N 8267-1 100N 8268-1 100N 8269-1 100N 8270-1 100N 8271-1 100N 8272-1 100N 8273-1 100N 8274-1 100N 8275-1 100N 8276-1 100N 8277-1 100N 8278-1 100N 8279-1 100N 8280-1 100N 8281-1 100N 8282-1 100N 8283-1 100N 8284-1 100N 8285-1 100N 8286-1 100N 8287-1 100N 8288-1 100N 8289-1 100N 8290-1 100N 8291-1 100N 8292-1 100N 8293-1 100N 8294-1 100N 8295-1 100N 8296-1 100N 8297-1 100N 8298-1 100N 8299-1 100N 8300-1 100N 8301-1 100N 8302-1 100N 8303-1 100N 8304-1 100N 8305-1 100N 8306-1 100N 8307-1 100N 8308-1 100N 8309-1 100N 8310-1 100N 8311-1 100N 8312-1 100N 8313-1 100N 8314-1 100N 8315-1 100N 8316-1 100N 8317-1 100N 8318-1 100N 8319-1 100N 8320-1 100N 8321-1 100N 8322-1 100N 8323-1 100N 8324-1 100N 8325-1 100N 8326-1 100N 8327-1 100N 8328-1 100N 8329-1 100N 8330-1 100N 8331-1 100N 8332-1 100N 8333-1 100N 8334-1 100N 8335-1 100N 8336-1 100N 8337-1 100N 8338-1 100N 8339-1 100N 8340-1 100N 8341-1 100N 8342-1 100N 8343-1 100N 8344-1 100N 8345-1 100N 8346-1 100N 8347-1 100N 8348-1 100N 8349-1 100N 8350-1 100N 8351-1 100N 8352-1 100N 8353-1 100N 8354-1 100N 8355-1 100N 8356-1 100N 8357-1 100N 8358-1 100N 8359-1 100N 8360-1 100N 8361-1 100N 8362-1 100N 8363-1 100N 8364-1 100N 8365-1 100N 8366-1 100N 8367-1 100N 8368-1 100N 8369-1 100N 8370-1 100N 8371-1 100N 8372-1 100N 8373-1 100N 8374-1 100N 8375-1 100N 8376-1 100N 8377-1 100N 8378-1 100N 8379-1 100N 8380-1 100N 8381-1 100N 8382-1 100N 8383-1 100N 8384-1 100N 8385-1 100N 8386-1 100N 8387-1 100N 8388-1 100N 8389-1 100N 8390-1 100N 8391-1 100N 8392-1 100N 8393-1 100N 8394-1 100N 8395-1 100N 8396-1 100N 8397-1 100N 8398-1 100N 8399-1 100N 8400-1 100N 8401-1 100N 8402-1 100N 8403-1 100N 8404-1 100N 8405-1 100N 8406-1 100N 8407-1 100N 8408-1 100N 8409-1 100N 8410-1 100N 8411-1 100N 8412-1 100N 8413-1 100N 8414-1 100N 8415-1 100N 8416-1 100N 8417-1 100N 8418-1 100N 8419-1 100N 8420-1 100N 8421-1 100N 8422-1 100N 8423-1 100N 8424-1 100N 8425-1 100N 8426-1 100N 8427-1 100N 8428-1 100N 8429-1 100N 8430-1 100N 8431-1 100N 8432-1 100N 8433-1 100N 8434-1 100N 8435-1 100N 8436-1 100N 8437-1 100N 8438-1 100N 8439-1 100N 8440-1 100N 8441-1 100N 8442-1 100N 8443-1 100N 8444-1 100N 8445-1 100N 8446-1 100N 8447-1 100N 8448-1 100N 8449-1 100N 8450-1 100N 8451-1 100N 8452-1 100N 8453-1 100N 8454-1 100N 8455-1 100N 8456-1 100N 8457-1 100N 8458-1 100N 8459-1 100N 8460-1 100N 8461-1 100N 8462-1 100N 8463-1 100N 8464-1 100N 8465-1 100N 8466-1 100N 8467-1 100N 8468-1 100N 8469-1 100N 8470-1 100N 8471-1 100N 8472-1 100N 8473-1 100N 8474-1 100N 8475-1 100N 8476-1 100N 8477-1 100N 8478-1 100N 8479-1 100N 8480-1 100N 8481-1 100N 8482-1 100N 8483-1 100N 8484-1 100N 8485-1 100N 8486-1 100N 8487-1 100N 8488-1 100N 8489-1 100N 8490-1 100N 8491-1 100N 8492-1 100N 8493-1 100N 8494-1 100N 8495-1 100N 8496-1 100N 8497-1 100N 8498-1 100N 8499-1 100N 8500-1 100N 8501-1 100N 8502-1 100N 8503-1 100N 8504-1 100N 8505-1 100N 8506-1 100N 8507-1 100N 8508-1 100N 8509-1 100N 8510-1 100N 8511-1 100N 8512-1 100N 8513-1 100N 8514-1 100N 8515-1 100N 8516-1 100N 8517-1 100N 8518-1 100N 8519-1 100N 8520-1 100N 8521-1 100N 8522-1 100N 8523-1 100N 8524-1 100N 8525-1 100N 8526-1 100N 8527-1 100N 8528-1 100N 8529-1 100N 8530-1 100N 8531-1 100N 8532-1 100N 8533-1 100N 8534-1 100N 8535-1 100N 8536-1 100N 8537-1 100N 8538-1 100N 8539-1 100N 8540-1 100N 8541-1 100N 8542-1 100N 8543-1 100N 8544-1 100N 8545-1 100N 8546-1 100N 8547-1 100N 8548-1 100N 8549-1 100N 8550-1 100N 8551-1 100N 8552-1 100N 8553-1 100N 8554-1 100N 8555-1 100N 8556-1 100N 8557-1 100N 8558-1 100N 8559-1 100N 8560-1 100N 8561-1 100N 8562-1 100N 8563-1 100N 8564-1 100N 8565-1 100N 8566-1 100N 8567-1 100N 8568-1 100N 8569-1 100N 8570-1 100N 8571-1 100N 8572-1 100N 8573-1 100N 8574-1 100N 8575-1 100N 8576-1 100N 8577-1 100N 8578-1 100N 8579-1 100N 8580-1 100N 8581-1 100N 8582-1 100N 8583-1 100N 8584-1 100N 8585-1 100N 8586-1 100N 8587-1 100N 8588-1 100N 8589-1 100N 8590-1 100N 8591-1 100N 8592-1 100N 8593-1 100N 8594-1 100N 8595-1 100N 8596-1 100N 8597-1 100N 8598-1 100N 8599-1 100N 8600-1 100N 8601-1 100N 8602-1 100N 8603-1 100N 8604-1 100N 8605-1 100N 8606-1 100N 8607-1 100N 8608-1 100N 8609-1 100N 8610-1 100N 8611-1 100N 8612-1 100N 8613-1 100N 8614-1 100N 8615-1 100N 8616-1 100N 8617-1 100N 8618-1 100N 8619-1 100N 8620-1 100N 8621-1 100N 8622-1 100N 8623-1 100N 8624-1 100N 8625-1 100N 8626-1 100N 8627-1 100N 8628-1 100N 8629-1 100N 8630-1 100N 8631-1 100N 8632-1 100N 8633-1 100N 8634-1 100N 8635-1 100N 8636-1 100N 8637-1 100N 8638-1 100N 8639-1 100N 8640-1 100N 8641-1 100N 8642-1 100N 8643-1 100N 8644-1 100N 8645-1 100N 8646-1 100N 8647-1 100N 8648-1 100N 8649-1 100N 8650-1 100N 8651-1 100N 8652-1 100N 8653-1 100N 8654-1 100N 8655-1 100N 8656-1 100N 8657-1 100N 8658-1 100N 8659-1 100N 8660-1 100N 8661-1 100N 8662-1 100N 8663-1 100N 8664-1 100N 8665-1 100N 8666-1 100N 8667-1 100N 8668-1 100N 8669-1 100N 8670-1 100N 8671-1 100N 8672-1 100N 8673-1 100N 8674-1 100N 8675-1 100N 8676-1 100N 8677-1 100N 8678-1 100N 8679-1 100N 8680-1 100N 8681-1 100N 8682-1 100N 8683-1 100N 8684-1 100N 8685-1 100N 8686-1 100N 8687-1 100N 8688-1 100N 8689-1 100N 8690-1 100N 8691-1 100N 8692-1 100N 8693-1 100N 8694-1 100N 8695-1 100N 8696-1 100N 8697-1 100N 8698-1 100N 8699-1 100N 8700-1 100N 8701-1 100N 8702-1 100N 8703-1 100N 8704-1 100N 8705-1 100N 8706-1 100N 8707-1 100N 8708-1 100N 8709-1 100N 8710-1 100N 8711-1 100N 8712-1 100N 8713-1 100N 8714-1 100N 8715-1 100N 8716-1 100N 8717-1 100N 8718-1 100N 8719-1 100N 8720-1 100N 8721-1 100N 8722-1 100N 8723-1 100N 8724-1 100N 8725-1 100N 8726-1 100N 8727-1 100N 8728-1 100N 8729-1 100N 8730-1 100N 8731-1 100N 8732-1 100N 8733-1 100N 8734-1 100N 8735-1 100N 8736-1 100N 8737-1 100N 8738-1 100N 8739-1 100N 8740-1 100N 8741-1 100N 8742-1 100N 8743-1 100N 8744-1 100N 8745-1 100N 8746-1 100N 8747-1 100N 8748-1 100N 8749-1 100N 8750-1 100N 8751-1 100N 8752-1 100N 8753-1 100N 8754-1 100N 8755-1 100N 8756-1 100N 8757-1 100N 8758-1 100N 8759-1 100N 8760-1 100N 8761-1 100N 8762-1 100N 8763-1 100N 8764-1 100N 8765-1 100N 8766-1 100N 8767-1 100N 8768-1 100N 8769-1 100N 8770-1 100N 8771-1 100N 8772-1 100N 8773-1 100N 8774-1 100N 8775-1 100N 8776-1 100N 8777-1 100N 8778-1 100N 8779-1 100N 8780-1 100N 8781-1 100N 8782-1 100N 8783-1 100N 8784-1 100N 8785-1 100N 8786-1 100N 8787-1 100N 8788-1 100N 8789-1 100N 8790-1 100N 8791-1 100N 8792-1 100N 8793-1 100N 8794-1 100N 879

TS SHS SENT HLR SUGGEST SHE WRITEN TO
 FUND AFTER PLAN CONFIRM SHHWS 179 SHS MIG, IF YOU DO NOT# AGREE PLS WIRE ME PROMPTLY, WEPMEYER FNDW #
 160R EXT 229 AM 022669-1211 N SLD 400 NAL 42 N 9370-2N ALTP#
 37 WA 207 XW 022669-1212 N SLD 100 USR 3CN MS
 1609 EXT 317 ZA 022669-1211 FOP N ROT 100 INA 412 N PS-1745-25
 CN 155 N SLD 100 ACD MKT# 2 ON SALE# DAY# 9581-1N 100C2N N AM 374 022669-1212
 211 END OF RETRIFVAL TO TRM CSC
 32 ND 322 WRA 022669-1211 N SLD 24 UA 42-92 93N N 5608-6 S
 61 DU 146 WRA 022669-1217 N DCL DUV 31-3775-1N 100 RUDDICK CORP DEL 2725 THIS SEEM INCOT# AS 100 RUDDICK CORP C56
 CV PR 15 IN TRM ADV IF DEL OF CM IS COT OR PERHAPS# HAVE CUST RETURN CM FOR COT DEL# SCOTT CRD# N
 343 EDP 318 ZA 022669-1211 N SOLD 100 LVO 100 N HS-5883-35
 1610 EXT 204 AA 022669-1211 SF N HOT 100 BPT 206N Q MKT# 0133-1N S
 KC 176 Y SLD 100 PZL MKT# AND 14 ON SALE# GTCH 5817-1N 100C14N N XW 313 022669-1211L
 75 WRA 43 CRT 022669-1211 N ROT# 10 JULY WHEAT 1302N FA 1333-9N S
 74 FA 43 CRT 022669-1211 N DOT# 10 JULY WHEAT 1302N FA 1333-9N S
 118 CY 43 CRT 022669-1211 N ROT# 10 JULY WHEAT 1302N FA 1333-9N S
 33 ND 323 WRA 022669-1211 N ROT# 7M UA 42-92 93N BUST 5408-6N N ERROR S
 58 OA 231 AM 022669-1212 N SLD 100 APY 146N 3824-1N VSP 1-31-68N MS
 1611 EXT 230 AM 022669-1211 KC N SLD 200 GM 77N 5817-1N MS
 474 QTC 69 CL 022669-1211 N QTE AMERICAN FINANCIAL CLN S
 135 KC 204 XW 022669-1211 N SLD 100 HFC 416N KC 157N ERN S
 1612 EXT 318 ZA 022669-1211 FOP N SOLD 100 LVO 100 N HS-5883-35
 527 QTC 72 FS 022669-1211 N SLD 100 BERYLUM MFG 2XN 0007-1N 100S
 493 CRD 114 EV 022669-1212 N MKN OR FITZ# UUR ACC 1506-2 TENDERED 600 UMT AT 30 AS PER OFFER# FROM LIQUIDONICS, CUS
 TR WANST# TO USE THE PROCEEDS# OF WHATEVER SHARES THEY ACCEPT TO BUY SOME STKS AND# I ASSUME WILL HAVE TO DO THIS SAME
 AY TENDER GOES# THRU, HOW WILL WE KAO
 N WHAT DAY THIS IS PEST# DCCG TV#
 KC 177 N SLD 100 PRD MKT# AND 84 ON SALE# GTCH 5817-1N 100C84N N AV 255 022669-1212L
 344 EDP 319 ZA 022669-1211 N SOLD 100 TA 67 N KM-2321-15
 136 KC 205 XW 022669-1211 N SLD 100 CLL 70CN 5817-1N LR S
 1613 EXT 204 XW 022669-1211 KC N SLD 100 HFC 416N KC 157N ERN S
 1614 EXT 319 ZA 022669-1211 FOP N SOLD 100 TA 67 N KM-2321-15
 144 FL 205 WRA 022669-1211 N ROT# 10 JULY WHEAT 1302N FA 1333-9N S
 K KEPT# BEING SENT TO MIAMI FOR TRANSFER# SECOND DANTEP THEN PICKED UP STOCK AND TOWARDED TO R AND JERSEY THIRD DANTEP
 DID NOT FURNISH# R AND J WITH ANY CE
 RIFICATES TO USE FOR TRANSFER FOR# A FEWLE OF MONTHS SWYTHE CGE# N
 475 QTC 177 PX 022669-1211 N ATTN EDWARD# PLS QTE# DATATRONICS INC# FOR ABE THEIL PX# S
 76 WRA 44 CRT 022669-1211 N SOLD# 1 MAY SBD 864N PT 2932-9N S
 47 BT 265 AK 022669-1213 N POT 30 KLL 37 N 3743-1N S
 119 CY 44 CRT 022669-1211 N SOLD# 1 MAY SBD 864N PT 2932-9N S
 KB 30 N RUY# 100 TAN 82 N DAY# 75-1633-3 N XW 314 022669-12118
 55 FS 0 CPB NS 022669-1218 N BARB# ARE U THERE BOB / CPB# S
 272 STA 145 LA 022669-1215 N OGP NKEN CK PX RE 266-20N ROT 100 TK 58-7 STP LA 6197-3N CK PX GIVE TIMES OF SALES IN
 X REX LA# N
 492 CRO 163 IS 022669-1211 N LEN# RE 2947 TV MISSING STMTS THIS ACCT BUT THINK IF ULL LOOK# BACK AOT JUNE WERE CHG
 ED DIV \$150 ON GM IN ERROR WHICH# HAS NEVER BEFN ADJO EPIC LSN N
 212 O NONE OVER S
 345 EDP 320 ZA 022669-1211 N SOLD 300 LVO 100 N HS-5883-25
 1615 EXT 320 ZA 022669-1211 EDP N SOLD 300 LVO 100 N HS-5883-25
 524 QTC 72 SF 022669-1212 N NYR# 100 MIN 42 N P 48-2613-1 PC S 9A-9987-0N XPCSE SF# S

*Pl. 2883 cancelled
 at direction of R. McAllister
 on 3/29/72*

24 IL 98 AS 22769-1047 N DDT-25-RDT-160W-8197-1N-S
 24 UC 90 AC 22769-1047 N RE SOLD 200 IGL 22-N DISREGARD REPORT NOTN FOR U N XW
 21 UM 63 XW 104 22769-1050 N RE SOLD 200 IGL 22-N DISREGARD REPORT NOTN FOR U N XW
 24 HT 91 AC 22769-1048 N DDT-10C-ALK-104-GTCN-48CC-1TN-S
 13 AR 60 HK 22769-1047 N DDT 1 RJR 42-N 030R-1N-S
 63 SM 84 AC 104 22769-1047 N SNR-NIH-41-0025
 6 HG 3 HG 22769-1047 N NYR 1 DTD 2/27/69 N 60 OREGON FPEEZE DRY 34% N 0 74-9902-1 NET S 78-240
 12-1 LESS CCMH N DDT-10C-ALK-104-GTCN-48CC-1TN-S
 10C 53 N BUY N 104 HR MKT N 930R-1 N AV 117 022769-1048L
 20 KM 119 WFA 22769-1047 N DDT-20-FIDELITY-UNIONLIFE-OF-DALLAS-73N-5092-1-S
 11 PA 67 AB 22769-1047 N DDT 100 FSA 104-N Q MKTN 9321-25
 22 EXT 9N 2A 22769-1046 EDP N DDT-10C-SRF-17 N 03-0100-05
 7E FDP 100 2A 22769-1046 EDP N SOLD 100 DM B2 N 0A-0001-25
 532 EXT 100 2A 22769-1046 EDP N SOLD-10C-DM-R2-N-0A-0701-25
 87 HRM 25 OS ORD 22769-1047 N BUY N 50M FED HOUSING ADMINISTRATION 5-S 5.20 BASISN DS 1535-1N ATTN DNGN S
 24 QIC 71 FL 22769-1047 N CARE-CORPN-S
 67 MC 101 WRC 22769-1056 N HELMER KC PLS REFER PARAGRAPH 4 AND 6 LAST WEEK RESUME ARTICLE RANDALL RCHS
 41 40-50-EG-22769-1047 N BUY N 100 INVESTMENT COMPANY OF AMERICA MKTN 1624-1TN-S
 42 FND 35 NB ORD 22769-1052 N BUY N 33 DREYFUSS FUND MKTN NB 3193-1N 33N S
 70 FDP 101 2A 22769-1046 EDP N SOLD-600-NSI-43% N 03-0100-05
 534 EXT 101 2A 22769-1046 EDP N SOLD 600 NSI 43% N 03-0100-05
 PX 88 N CXL BUY N 100-0KP-00N-GTCN-3524-1N 100N-ASE-255-022769-1047S
 16 FK 93 AK 22769-1046 N DDT 2 PCA 44N 7309-15
 223 CRD-70-FC-22769-1046 N LDBF-RE-5025-1 ADV FLVY 5000 PARTER COMPANY S
 224 CRD 95 PH 22769-1047 N BEMPH RE 91-1000-1N PLS ADV IF CK TO PAY \$6000 FROM ST PETER CLIENT IN OUR OFFICE N
 1654 WACIF N
 45 UMY 0 PL NS 22769-1046 N AL KEYN COMPUTER TECH NATL CAR RENTAL GUENTHER SYSTEMS HELENICH AND PAYNE 5-87
 4 WELSH PANFLM HEPH MAASS DLT N
 4A HU 119 WRA 22769-1047 N SLD 100 MELCHIOR ENG 4N 7495-1 S
 73 CD 470 CCAP 22769-1047 N CD-REJECTN BAD CROER SYMBOLN KAD THIS NUMBERN ASE 134 CDN BUYN 100 GBR MKTN 100N L
 80 FDP 102 2A 22769-1046 EDP N DDT 100 IDL 17 N HU-9536-15
 535 EXT 102 2A 22769-1046 EDP N DDT 100 IDL 17 N HU-9536-15
 110 BND 26 NW ORD 22769-1047 N SLN 4N MAL 09 CV 101N GTCN NW 5198-14 4M N S
 36 MC 38 UM CHD 22769-1050 N SELLN-1-SEPT-1969 SUGAR 3.72N DAYN OH-0604-7N-1N S
 52 ACH 53 CL 22769-1051 N AHEARNE MI LO FOR EMERSON ELECTRIC AS OF FEB 10 1964N TNX SGB CLN S
 15 TE-66-AU-22769-1047 N DDT-10C-LIV-WS-2000-1N MKTN 0790-15
 16 WM 120 WRA 22769-1047 N DDT 200 DEXTRA 42N 5N 505-1 S
 22 SY 0 WRC NS 22769-1048 N WEDD AND KNAPP 715-725 CTSS
 PX 89 N SLN 45 CHS 244N 5060-1N 65N N NOL 370 22769-10470
 20 DA 97 AC 22769-1047 N DDT-10C-PKL-A-240N-4101-2N-S
 81 FDP 133 2A 22769-1047 N DDT 100 SPE 22% N 80-5722-15
 536 EXT-PS-AC-22769-1047 N PS N DDT-200-EKR-1N-1626-2N-S
 RTRA66 BD 95 AK 22769-1047 N DDT 10 J 776N 5297-15
 27 GC 74 AA 22769-1047 N SLD-100-CAI-34-N-0C-47N-S
 537 EXT 103 2A 22769-1047 EDP N DDT 100 SPE 22% N 80-5722-15
 97 FF 28 WH 22769-1047 N S-3-JULY 8-SUGAR 356N UR-68N-6872-75
 SX 80 N BUYN 100 GR WS 14 N DAYN CXL 14N DAYN 4316-1TN CFN 100 14 N ASE 256 022769-1047F
 117 JAN 94 ES 22769-1044 N MCCARTHY-RE-BK-755-CK-REC-92-955-1 S OS 1290-00 SB 1280-00 ACCIV 92-0329-1 SHWKS 209
 441 THIS AMNT WAS NOT RUN THIS ISN ALL I SHOW DAVE LSN N
 11 71 AA 22769-1047 N SLD-100-ALN-30-N-FF-70N-S
 110 71 AA 22769-1047 N SLD-100-ALN-30-N-FF-70N-S
 150 PRINTOS LTD 15 N THIS IS A NEW ISSUE SUPPOSED TO COME

Pl. Ex 164 marked
 at deposition of A. Key
 on 6/9/72

45 EV 57 CY 022769-1132-4- RPT DOUGHERTY BRNS-5-IC-4-5
 1045 EXT 92 AB 022769-1130 HU # BOT 50 ENC 984 Q PKTN 2143-1W \$
 44 EG 96 AB 022769-1132-4- SLD 500 CUD 50N 3046-2W \$
 126 HU 199 AK 022769-1131 W BOT 5 OXY 44 W 6559-1\$
 1046 EXT 96 AV 022769-1130 GX # SLD 200 AIC 214W LVS 100W 5641-2W REYS
 40 JH 73 PA 022769-1130 W DK SIDE INC WIDE INC IS 2--26W WAGN \$
 28 GX 97 AV 022769-1130 W SLD 100 AIC 21 W 5641-2W WST
 1047 EXT 144 AV 022769-1130 PZ # BOT 100 ARD 1582W LRW PZ 25W \$
 TL 110 W BUY# 100 GAF 87W GTC# 5093-1W AC 342 022769-1131R
 130 INVALID CRJF SFAD 27 WD
 42 KA 100 US 022769-1137 W SHCAP KC IV ASSIGNED 7307-11 TO W JOEL M JONES AND W HELEN G JONES 3234 S ZUMIS PL 1
 ULSA CKLA 741054 SSN 442-48-537C FOR 11 HEINRICH US # 4
 1048 EXT 93 AB 022769-1130 FA # BOT 100 BFK 323W GTC# 2097-1W \$
 130 RRY 32 LD 022769-1134 W J TAYLOR W INDICATE INTEREST 10 M GULF STATES UTILITIES W 7-9 FIRST MOTRGAGE BND
 S 1999 AC 92-338F-1 PLS ADV# THAKMS A BAKKER LD W \$
 52 CSC 205 CD 022769-1135 W RE REPORT 124 CD 111 AM SLD 100 T 37% 2243-1W CONE THINK THIS IS OURS AND ALSO THE PRI
 CE IS NOT CORRECT COW \$
 60 FL 111 WRM 022769-1133 W COWAN RE 5025-1 CGE WONT ACCEPT MY TAX TO DELVR 5000 W PARTED PLS WIRE BILL SANYHE HE
 KROH THE WHOLE STORY HNT# THIS SIKR LONG CRD \$
 46 FA 47 KA 022769-1134 W FA AS OF 2/26/69W BOT 10 CMI CCFP 55 NETW FA 0304-1 KCW \$
 1049 EXT 94 AB 022769-1130 RL W SLD 100 NCO 36W GTC# \$
 83 PT 104 LA 022769-1131 W LYNN RE GENCE INDSW DONT HAVE YR END REPORT IN HAND BUT TY MADE SOME GOOD ACQUISITIONS
 W 1- IN COMPUTER SOFTWARE 2- URRAN LAND DEVELOPMENT SAM EAY
 EL 49 W SLW 15 SLD MKTN 1830-2W 15W W NCL 469 022769-1130G
 80 RCH 69 CL 022769-1133 W PLS MAIL LSP 7569W CLW \$
 131 WAIT TIME SINCE 0810 IN SECONDS IS 10036
 413 CRD 98 US 022769-1131 W DUD HURE 5067-2- RECD CK TODAY FOR 55758713 PLS TRANSFER W SECURITIES TO TYPE 1 WLS US#
 GE 14 W SLW 20 CW 245W HAYW C572-1W 200W XW 215 022769-11314
 52 GC 0 WRG NS 022769-1137 W WARE DR BILL# THINK YOU MAY WANT LITHIUM CORP OF CANADAW IF SO ,10-,14W MARJ TRS
 85 RL 117 XW 022769-1135 W RGT 100 RCI 16W EFH \$
 1050 EXT 97 AV 022769-1130 GX W SLD 100 AIC 21 W 5641-2W WST
 33 FH 97 AH 022769-1132-4- SLD 300 CUD 50W Q MKTN SHORT# 4955-3W \$
 37 WY 132 AM 022769-1131 W SLD 200 KU 303W LVS500W HINW W-7W STOPPEDS
 253 SVR 645 CCAP 022769-1131 W CO REJECT# M ORDER PRICEN KAO THIS NUMBER# NCL 197 COW BUY# 20 CDP MGT# 20W C
 EV 97 W BUY# 20 APH 15W GTC# 5441-1W W ASF 332 022769-1131
 46 RH 100 WRD 022769-1131 W DW RH# RF 9642227-1 LONG 10 RTS SYN# RE 96-4975-2 LONG 100 RTSW EXPIRE TODAY# VAL CRD#
 29 GX 123 AA 022769-1131 W BOT 100 ALW 16W 6544-2W \$
 1051 EXT 145 AV 022769-1131 RD W SOLD 200 MD 2455555555555555 \$
 FX 50 W BUY# 10 XW MKTN DAY# 3479-1W W NCL 467 022769-11314
 EL 50 W SLW 100 SLD MKTN 50 SHRS ON SALE# 9856-2W 150W W AM 240 022769-1131F
 34 OS 103 WRD 022769-1132-1 BARRY# 39-3698-1 SEC IN CUST NAME HE MAY GET DIV DIRECTLY FM# COMP PLS WIRE CIV DEPT#
 THX CPM CRD# \$
 37 FX 0 TE NS 022769-1136 W JERRY# HI HOW U DCIN# R U BUSY# DONNIE# \$
 52 SX 120 AA 10W 022769-1131 W WIH# 400-1W YRM ERD# \$
 87 RD 145 AN 022769-1131 W SLD 200 MD 427W 1W NCL 1- LAR# 80 014 \$
 1052 EXT 98 AV 022769-1131 KY W BOT 100 NVH 482W 5399-1W COWENS
 SS 115 W BUY# 6 SLW 50W HSY MKTN DAY# SFLE FUR# SS 3617-1W BUY# FUR# SS 850W 1W 500 W W JOM 241
 022769-1132

Pl. by 80 marked
 at signature of R. Veltch
 on 3/29/92

CD 211 * BUY * 1000-GND-MKT-VAL-1000 * NOL 498 022769-1137
 15 QT 0 SHD NS 022769-1137 * ALL WIRES - UP DATE YR SYMROL BOOK# ADD NYSE# 2/26 -TDY WI- TELEDYNE INC WI POST 17#
 2/26-CRR-WI-CARRIER-CORP-WI-POST-15#-2/26-WKK-WI-WITTAKER-CORP-WI-POST-10#-2/26-HIA-WI-HOLIDAY-INNS-OF-AMER-WI-
 STK DIVD CONV SPL STK
 SER-A /DIVD ATK RT-OF-5170-MKT-VAL-OF-CGM-STK-/POST-17#-2/26-HIA-WI-HOLIDAY-INNS-OF-AMER-COM-WI-POST-1-
 74 OFF NYSE# 2/28 -HAT PR- HAT CORP
 OF AMERICA 5 PC-CUMX-4/3--NSU--NATE-SUGAR-REF-INIG#-ADD-ASE#-2/27-CHD-WI-CHAMPION-HOME-ALDRS-WI-POST-8#-2/27-CSW-
 WI- COMPUTING & SOFTWARE INC WI POST
 11# 2/27 -DFS--THE-HFSSHIRT-GH-POST-8#-2/28-PSN-WI-FOUR-SEASONS-NURSING-CENTERS-WI-POST-2#-EO-5-SHD-#
 1089 EXT 150 AM 022769-1137 DC # SLD 200 GO 42-# 1923-2# WSW DC136#
 32 GX 47 AS 022769-1137-# BOD-# 349-56#-EVRPY-PLACE-HAS-BEEN-FULL-FOR-SEVERAL-MONTH-AM-STILL#-WORKING-ON-ROOM-AND-
 WILL ADVISE# HUDDY AR# #
 12/27
 GX 54 # BUY # 30 PRD-112-#-672C-1#-# NOL 497 022769-1137#
 54 CSC 48 CP 022769-113# # RE MY 47 PLS GIVE FRANK /SPVR#N TKS CHAS CP# #
 40 BU 194 WRA 022769-1137-# BHT-PUT-100-GE-60-DAY-C-86-450-575/89#-2400-2# #
 59 US 150 WRF IGM 022769-1140 # BOT 100 LB B# AS CF 2/26 # MUST 100 LB BY 2ND LOT# US-1591-2 ASE#
 153 RND 91 TO 022769-1137-# BUY# 1#-AU-6893 96#-GTC#-3064-1#-CFM-IM-96#-#
 BL 73 # SL# 100 TXT MKT# 7428-1# 100# # AN 227 022769-113#4
 50 FF 0 WPG NS 022769-113#-# OVERHALL#-FAMOUS-ARTISTS-SCHOOLS-5-PC-91-4#
 110 KC 145 WPC 022769-1140 # CLG# RE RGT 50 AN 296# YR RITE MAKE PRICE 29 # STEVE STAN #
 CD-212-#-BUY#-2#-DKE-MKT-RC#-GTC#-2#-#-AV-169-022769-113#E
 47 PDS 55 WY 022769-1137 # MULLINS CHANGE F ADDRESS # 545025# NICK DOUMAS # RCUTE 2 CLEMPONS RD # WINSTON SALEM #
 C # WMY
 FA 72 # BUY # 50 DCN 48 # GIC # 0778-1 # # NOL 498 022769-1137
 26 PA 119 XW IGM 022769-1137-# RE-REPORT-110-SLD-100-PAK-1#-# DISREGARD-NOT-YOURS-KAB-IT-TNX#-PAUL-XW-#
 433 CRD 30 PK 022769-113# # LCS# RE 72-C006-1 RECD SHEET SAYS BOT 100 IRVIN INDUST INC# AT 18# DTD 3/03 WE DO NOT
 HAVE ANY ACCT-BY-THAT-NUM#-MUST-PELINO-TO-SOME-CYBER-OFFICE#-PLS-FIX-AND-ADV-THANKS-KAROL-PK# #
 39 HQ 41 WD 022769-1141 # B 1 JULY 01 6190# ON 6205 LTH UR 76# 6692-9#
 37 CPB 142 ARW 022769-1141-# CHAS# RE-2685-1-1-SHOW-NO-ORDERS-RECEIVED-HERE-JAN-3-ON-VIATRON#-HOWEVER-BOOKS-CLCSE
 0 12-30, I WOULD HAVE BEEN SENT# HACK, NO PROBLEM# JACK TAYLOR#
 145 CD 141 AC 022769-1137-#-BOT 100 GRO-167#-GTC#-CD-241#-#
 133 DTC 25 LY 022769-1137 # SLD 200 SYN RTS 9/16 CASH ON MKT THRU 9899850 PCX# 21-6412-1# ORIG GC# REPT DTC NY# #
 135 CKD 67 OA 022769-113#-# HUG-RE-42-2430-1-CK-REC-3600-00-OK#-DIT-CAW-#
 132 STA 210 CD 022769-1137 # SC REPRGT 133 CD 126 7# HOT 100 ITT 51# THIS IS# A DUPE OF 108 AN ACV CD# #
 21 CGE 99 FL 022769-113#-# SWYTH#-RE-5025-ON 5#-BARTER-ACCEPT-LUDES-1#X-TON-OLVR-STK-TO-MNK-CFM-RM#-#
 37 TFR# TO LINE 014 NO RESPONSE TO ISC L
 08 TAB 82 PH 022769-113#-# RE-CARTHY#-RE-65-9933-1-WE-RECD-FIGS-100-CITIZENS-NATL-BANK-LA#-AT-10-AS-OF-12-12-68
 CORRECT STK TITLE IS# CITIZENS NATL BK ST PETERSBURG AND WE GOT CORRECTION# WIRE ON 12-19 BUT SH FAP ACCT SHEET NOT C
 UNRECEIVED-CLD-YOU-PLS-CK-AND-ADV#-I-
 HX ER# #
 11 BY 670 CCAP 022769-113#-# BY-REJECT#-OK-WIRE-CODE#-K-NPL-12-BY-# BUY # 400 MIC 27-# 400 #
 1090 EXT 141 AC 022769-1137 CD # BOT 100 GRO 167# GTC# CD 241# #
 62 FL 0 WRA NS 022769-1142-# BOT-5-MFDD-40/93-105-# 2043-6# #
 72 FS 212 AK 022769-113# # SLD 35 ED 330# 4292-2#
 4 WFA 685 CCAP 022769-113#-# WFA-REJECT#-101-NUMBERS-EXMITTED# FL 296 WRA# BOT 5# FDD 40/93 105-# 2043-6# #
 265 SVR 647 CCAP 022769-1137 # CP KAR 46
 41 RC 134 AA IGM 022769-1137-# HVI#-25#-FAND-YOUN-ERD#-#
 38 HQ 210 AK 022769-113# # DOT 15 ACN 32 # 6005-1#
 266 SVR 670 CCAP 022769-113#-# BY-REJECT#-OK-WIRE-CODE#-K-NPL-12-BY-# BUY # 400 MIC 27-# 400 #
 1101 EXT 142 AC 022769-1137 # SLD 100 LA 7#W 0951-1# #

P.D. By 165 marked
 at deposition of A. Key
 on 6/19/72

101 FS 0 TE NS 022769-1259 # HFY GUESS NOT I HAD JERRY ON WIRE FOR ABOUT 15 SECONDS HA HA \$
 174 CC 61 WR 022769-1300 # B 1 DEC SILVER 198.60M UR 1974 1620-75
 79 CC 0 FND NS 022769-1259 # RT YOUR 92 DE SL 50 SINS FLETCHER CAPITAL FUND INC FOR 4237-1# NEED NAME OF ACCT ALS
 0 DO YOU HAVE PHYSICAL POSSESSION# MIKE FALK FND# #
 1503 EXT 214 XN 022769-1258 # PS # SLD 1000 TF 35# # PS 715
 663 CRD 65 BX 022769-1258 # NURSE 69-8617-1 CK IN MAIL EXTN TIL MON PLS JUH BOM \$
 98 US 179 AV 16# 022769-1300 # CCI PR 42-6-# AVS
 52 AX 0 HRG NS 022769-1259 # JWM BLOOMFIELD BUILDERS CV 61-1977 100-15 \$
 71 EG 169 PT 022769-1301 # EG YR ACCT 2587-1 SOLD 32 NORFOLK LBR 56 TDW 74-9502-1 CLR NET YOU NYRM SHIREPT# \$
 46 PS 323 WRA 022769-1316 # SLD 50 JOHNSON EF 25# # 1561-1 \$
 208 STA 59 LD 022769-1258 # JH # RF 44 B 106 DAL MKT # YES THIS IS A VIA CN OFFICE # THANKS BRIAN # \$
 130 EV 255 AM 022769-1258 # SLD 100 LIT PR A 592# EVI42# ABRA \$
 209 STA 72 EV 022769-1300 # VINCENT IN SORRY FOR FAILING TO ANSWER YOU RE MY OPEN CFM YEST# PLS READ IT# ADD SEL
 L 25 HY 152 # NOT HHT BUY ELMER FNN #
 76 NYC 174 LS 022769-1301 # SELL # ENC MAY CJ 5125# DAY# 0202-9# \$
 84 CC 260 AN 022769-1259 # NOTING DONE# TO BUY 2,000 SPS 120# \$
 1584 EXT 235 AM 022769-1258 # EV # SLD 100 LIT PR A 592# EVI42# ABRA \$
 56 FX 203 WRN 022769-1259 # SALLY RE UNITED INDUSTRIAL CORP# WE ARE NOT ENTHUSIASTIC ABOUT BUYING THIS ISSUE# A
 THE PRESENT TIME DO NOT REGARD ATTRACTIVE# FOR AGGRESSIVE ACCTS# AS WE ARE NOT ANTICIPATING SIGNIFICANT EARNINGS#
 IMPROVEMENT TO WARRANT# PUR AT THE
 SE LEVELS WOULD BE INCINER TO AVOID PORN KLINGER PCH# #
 53 LD 318 WRA 022769-1302 # RE SL 50 ALASKA OIL AND MINERALS 1- FOR YOUR CUT 1 -2 \$
 664 CRD 65 DH 022769-1258 # SCOTT# ADV OK PAY 6 AMT 31-5009-1 EDNA GUN \$
 73 WH 165 WRN 022769-1259 # BILL# RE NESTLELEFURN NO ACTIVITY IN THE STOCK HAS NOT# BEEN HALTERED OR DELAYED# HUTN
 ICK RCH# #
 64 SP 96 DK 022769-1259 # NOT 14 WSW PRA 39 # OPEN# SP 13# \$
 1505 EXT 260 AM 022769-1259 # CC # NOTING DONE# TO BUY 2,000 SPS 120# \$
 665 CRD 67 BX 022769-1259 # NURSE 69-8690-1 AWAY EXTN TIL MON PLS JUH BOM \$
 76 SHD 172 LS 022769-1300 # ERROR# RE 196-XW# SLD 200 CKY 42 # ORDER SHLD# HV BEEN A BUY# GUS LSA \$
 66 PHS 104 FS 022769-1259 # 101-32-9506 07-4839-1-50# MISS FRANCES MC LEAN# 155-13 DELAWARE AVEN# FLUSHING
 NY# FS#
 75 WH 190 BRN 022769-1301 # LLCY# RE YR 102. SORRY BUT OTC HANDLES ALL THOSE SERIES BONDS# INQUIRIES SHOULD BE SE
 NT THERE# RE ONLY MATTER COMPENSATION BONDS# JACK TAYLOR#
 CA 111 # SLN 300 IDL 17# DAY# 2842-14 300# # AN 276 022769-12595
 93 PX 156 AB 022769-1300 # DGT 100 TK 204 Q PKT# 9035-2# \$
 1986 EXT 261 AM 022769-1259 # RL # SLD# 200 IDL 17 # EP 1 LR 155
 140 CH 109 PPM 022769-1301 # RICE# RF VIATRON# OFFG DUE NEXT WEEK# JACK TAYLOR#
 666 CRD 53 BX 022769-1259 # NURSE 69-1202-1 AWAY EXTN TIL MON PLS JUH BOM \$
 543 QIC 136 FL 022769-1300 # RE HUP 38 S 375 CROWN INN OF FLA 1624 DC U HVE A BID ADV COWAN# \$
 59 FL 167 WTD 022769-1306 # FM FLN 66-5025# RF 5# PARTEP# AS SCUN AS RECD FROM AGENT WILL DELIVER# TO BANK PER LOB
 ES IX# SNTIF# CH# #
 61 HS 254 AM 022769-1301 # SLD 10 UPC 5% PR C 50# HS56# LVS40# STS
 175 PL 215 XW 022769-1259 # DNT 200 EST 32# FMC \$
 1967 EXT 256 AM 022769-1259 # FX # SLD 400 GEN 376# 0255-1# HUN1 SHAGUE 7# \$
 86 BL 94 DE 022769-1300 # JACK PARK CITY CONSOLIDATED MINES 32-3MCTS # DE \$ \$
 LS 171 # BUY# 50 CLL MKT# DAY# 4446-1# # NDL 720 022769-1259-
 667 CRD 59 BX 022769-1259 # MORRA 69-0543-1 CK IN MAIL EXTN TIL MON PLS JUH BOM \$
 60 FX 257 AM 022769-1259 # SLD 200 PD 443# 0255-1# SONS
 1986 EXT 215 XW 022769-1259 # RL # NOT 200 EST 32# FMC \$
 208 STA 111 PL 022769-1300 # COWAN HED FICS # 2-25# NOT AM INTL LFISURE 12-1-93 72# 1905-1# JIM D # \$

8/27
 P. L. E. 8/5 marked
 out deposition of R. McAllister
 on 3/29/72

56 KC 0 WRC NS 022869-1044 # REM-KC# COSMETICALLY YOURS 23-4% CAMIN LABS 130-142 \$
 DC R1 # SL# 100 TG 32# 0751-2# # XH 161 022869-1044E
 18 FX 70 XW IGN 022869-1044 # OQU 30 -1 & 5# FX 22# \$
 169 SVR 746 CCAP 022869-1043 # WRH KAB 68
 PA 60 # BUY# 100 AUD 70# 9512-3# 100# # ASE 174 022869-1044P
 33 FL 118 WRC 022869-1043 # CARL RE 7094-1 OKP 3767,71# LORE CRD\$
 27 PL 0 WRC NS 022869-1043 # RE BUY-2 MPN-5- OF 89-95 GTC# 0920-1 PL CANNOT DO 2 # 950-6- \$
 BO 51 # BUY # 100 MSG 9 # GTC # 3639-1 # # AN 111 022869-1043X
 104 TAB 49 NX 022869-1044 # SUSAN# PE 2/24 SLD 35 ALLVOYS UNLIMITED INC 43% NW 6776 GOES NW 6775# 2ND REQUEST# LU
 CILLE NX# #
 EL 37 # BUY# 100 COM MKT# 9801-2# 100# # AC 191 022869-1043A
 41 FDP 60 ZA 022869-1043 # SOLD 100 OT 46% # EN-5082-1\$
 425 EXT 73 AC 022869-1043 # RI # BOT 200 WHL 34 # ON 34 # GTC# RI 265# \$
 14 KH 0 WRC NS 022869-1043 # BUSCH# INTERNATIONAL BANK OF WASHINGTON QRAQT \$
 71 CD 68 AK 022869-1044 # BOT 15 BAW 35 # \$
 426 EXT 60 ZA 022869-1043 EDP # SOLD 100 OT 46% # EN-5082-1\$
 41 EN 70 AK 022869-1044 # SLD 50 DD PRB 74%# 2839-1\$
 34 FL 119 WRC 022869-1043 # RM RE BARTED I GAVE SMYTHE INX AND HE WL DO# NOT HE CAN THIS IS ALL HE TOLD ME# LORE
 CRD#
 31 CL 93 ZB 022869-1045 # BOT 100 ACY 2REN CL-9808-1\$
 BY 21 # BUY # 200 NPH 35 # GTC # 200 # # AV 103 022869-1044E
 42 EDP 61 ZA 022869-1043 # SOLD 100 AMR 33 # LS-1131-1\$
 427 EXT 74 AC 022869-1043 # KY # BOT 100 INF 19# ON 20# 9804-1# \$
 80 LA 39 WH 022869-1043 # SL# 100 GENERAL AMERICAN CORP MKT# 4905-1# \$
 6 WRH 749 CCAP 022869-1044 # WRH REJECT# 70 TWICE# PX 70 WRJ# WILLIAMS# FOUR SEASON EQUITTE CORP# 31-5# A
 170 SVR 747 CCAP 022869-1043 # WRE REJECT# HEADER FORMAT ERROR# FDP63 ZA # SOLD 100 UCC 55- # EL-9581-3
 51 KY 752 CCAP 022869-1045 # KY REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# NRE 62 KY# SC# 100 UIP MKT# 6065-2
 428 EXT 61 ZA 022869-1043 EDP # SOLD 100 AMR 33 # LS-1131-1\$
 228 CRD 70 KC 022869-1044 # OOC# PLS TFR 200 ONG FROM 75-1509-1 TO 2 VS TO 375# WINKC# \$
 RTRA23 TO 110 WRD 022869-1043 # FRANK# AS OF 2/27 2296-1 SOLD 20 OX 12# FIGS ARE# 255,00-6,10-,75-,01-248,14NET# PLS F
 IX# FOX TAB# #
 27 FL 0 WRC NS 022869-1044 # HUDSON LEASING 22-3 \$
 43 EDP 62 ZA 022869-1043 # BOT 100 CHY 14% # FS-4292-2\$
 429 EXT 62 ZA 022869-1043 EDP # BOT 100 CHY 14% # FS-4292-2\$
 35 FL 100 HU 022869-1043 # # RE 2026-1 # ON HANGURAINS IS 17% NOT 17- AS STATED# IN FIRST WIRE TAYCORS
 16 KH 82 AK 022869-1046 # SLD 12 MD 43 # 1276-1\$
 24 NW 120 WRC 022869-1043 # CHARLIE'S CASH TDE 12-19 LAST DAY 2-28# 8982- 400,02 PLS ADV# JACK CRD\$
 PX 74 # BUY# 300 RE 35-# 6115-2# 300# # AC 192 022869-1046T
 44 EDP 64 ZA 022869-1044 # BOT 100 MIC 26# # RA-5599-2\$
 10 TX 0 WRC NS 022869-1044 # WILMOT# RE PHOTRON CHECK TITLE \$
 430 EXT 69 XW 022869-1043 PS # BOT 200 AMK 34# 33#-4# 0608-2# 8#X KHFL\$
 22 FY 0 WRC NS 022869-1043 # ALOE CREAM LAB 8--9 \$
 20 GC 89 ZB 022869-1045 # BOT 300 UP PR 10# GC-6958-1\$
 431 EXT 64 ZA 022869-1044 EDP # BOT 100 MIC 26# # RA-5599-2\$
 NB 26 # BUY# 100 TDY 85# GTC# 2190-1# # AN 112 022869-1044H
 25 NW 121 WRC 022869-1044 # JIM K CASH TDES 12-19 LAST DAY 2-28# 9749 437,92# 9768- 416,58# 9773- 622,36 PLS ADV#
 JACK CRD.#
 44 SF 112 WRD 022869-1044 # LARRY# AS OF 2/24 5660-1 BOT 5H DELMONTE CORP 5--94# AT 99# FIGS ARE# 4987,50-2,92-25,
 00-5015,42NET# THESE ARE CONNECTED FIGS INTEREST WAS ADJ# PLS FIX# FOX TAB# #
 4 WRC 700 CCAP 022869-1044 # ZA KAB 63

Pl. Pl. 86 marked
 at deposition of R. Hallett
 on 3/29/72

LA 119 N BUY# 100 CHB MKT# 6804-11# 100 CHB# N AC 307 022869-1253
 40 FX 215 AM 022869-1254 N SLD 100 CF 24# FX79# BNS
 1591 EXT 174 AN 022869-1252 NH# RUTH -- WHY THE HELL IN THE # CONVERSATION# STEVE#
 PX 116 N BUY# 400 CEE 12# 5677-2# 400 N AC 390 022869-1254T
 125 BO 131 AV 022869-1253 N SLD 100 HLI 21# BO 100# HS
 1592 EXT 94 AB 022869-1252 GC N BOT 200 GW WS 12# 3473-2# \$
 155 CN 150 LS 022869-1301 N PENN# BK 755# DEP NONE# WITHD 4.64# BAL 3316.12# BK 956# DEP NONE# WITHD 3670.00# BAL 2
 4608.64# BK 755# DEP 89966.51# WITHD 79427.50# BAL 62603.04# DAVEL# \$
 54 WRS 47 NB 022869-1253 N HARRY SCHAACK ADVG# FORWARD 85 COPIES OF NEW MARKET REVIEW PLS# CATHERS NB# \$
 CD 217 N BUY# 200 EAL MKT# 200# N XW 304 022869-1253
 99 FS 175 AN IGN 022869-1253 N HI BARBARA# JUST GOT BACK FROM LUNCH# MYSELF# DROVE TO WORK TODAY# ALL SET FOR AA
 FAST GETTAWAY# RUSSELL# \$
 156 PT 199 WRH 022869-1253 N ALLYN RE 2971-1 JNL 2-26# CK PD 34831.29 COTING TO # 76-2961-1 TOY# EDDIE CRD# \$
 87 GC 96 AB 022869-1253 N SLD 100 TOY 18# 4467-2# \$
 1593 EXT 95 AB 022869-1253 NX# BOT 50 21# 36# GTC# NH 9970-1# \$
 252 TERM CN LINE 007 NO RESPONSE TO TSC /
 78 BO 143 TL 022869-1301 N QTE OCEAN SPRAY CRANBERRY COMMON# OCEAN SPRAY CRANBERRY PFO# NUGENT TL# \$
 8 CN 1349 CCAP 022869-1252 N CN REJECT# INCOMPLETE TRANSMISSION# RP 29# B 90-3852-1 PC S 90-9880-
 1 NET X CNO# ...#
 149 CN 1352 CCAP 022869-1253 N CN KAB 149
 400 SVR 1352 CCAP 022869-1253 N CN KAB 149
 253 TERM CN LINE 007 NOW RESPONDING
 74 PX 368 WRA 022869-1303 N SLD 100 FOUR SEASONS EQUITY 30# 1516-1 \$
 53 WRS 94 EG 022869-1253 N ATTEN MARIO IN SUPPLIES RACE RACE # I NEED YOU TO RACE ME A NEW SUPPLY
 OF NYR BLANKS # ORDER NUBER 8 N WE ARE OUT AND WE HAVE QUITE A FEW ORDERS THAT REQUIRE AN NYR # I REQUESTED THEM
 NO AGO BUT HAVE NOT REC N PLS RACE
 THE ADAP OR ADV WHAT YOU HAV EDONE # THANKS # MARG EG# \$
 SM 70 N SL# 200 CDC 11# 200# N ASE 351 022869-1253L
 53 SM 1377 CCAP 022869-1257 N SM REJECT# MISPLACD ORDER CR OR LF# KAB THIS NUMBER# NRL 73 SM# SL# 100 FMR# MKT
 FA 144 N POSS DUPE SL # 100 UTP 35# DAY # 1572-1 N AM 296 022869-1253M
 253/TAB 151 CN 022869-1253 N NYR 8# 1100 INLAND LIFE INS CO GTC# B CN-5153-1 PC S CN-9867-1 NET X
 CNO# ...#
 253 TERM PT LINE 018 NOW RESPONDING
 WRS 115 FL 022869-1253 N AL KEY RE BARTED PLS SFND AT LEAST SUM STK TON SHUT HIM UP SMYTH WONT ANS ADV RM# \$
 100 CNO 24 FND 022869-1253 N SL# 147 SELECTED AMERICAN SHARES MKT# N/O MARTHA JEAN LUTTRELL# HUGHBANKS & CO# SEATT
 LE WASH# 147 SHRS# MIKE FALK FND# \$
 401 SVR 1356 CCAP 022869-1254 N WRA REJECT# INCOMPLETE TRANSMISSION# SEL 358 WRA# RE SL 5 HACKENSACH WATER# 0
 157 PT 200 WRH 022869-1253 N ALLYN RE 2300-1 CK PD 12557.54# COTING TO 77 CONTROL TOY# EDDIE CRD# \$
 197 STA 81 FY 022869-1254 N REPORT SATUTAS/RH 500 CHIEF CONSOLIDATED MINING 5# GTC# 7023-1# RE 63 FF 72-78-69# \$
 SM 71 N SL# 30 PRU 89# 30# N ASE 352 022869-1253
 305 XH 92 EN 022869-1253 N CEF -- YES OK LET HIM OFF 400 SHARES HASKELL EN# # \$
 FA 145 N BUY# 100 TIC 32 N GTC # 2300-1 N NRL 146 FA # BUY# 100 HPC 48 N GTC # 2300-1 #
 # AM 297 022869-12530
 115 SF 164 WRJ 022869-1253 N BUPL SF# RYM AD 2-26 48-1 BOT 25# SACTON# AYS PLS FIX HMS TNX# WETGEN TAB# \$
 49 PB 228 WRD 022869-1256 N ER PB# 3454# PLS DISREGARD WIRE TNX# HADDAD CRD# \$
 542 OTC 140 KY 022869-1253 N BUY# 100 SMC INVESTMENT CORP 18 FOK # AND QUOTE# 6847-1T \$
 57 DF 249 WRC 022869-1253 N CAGE OF NK SHOOT 100 ARH# NEWMAN CGE# \$
 TO 60 # BUY# 100 VIC 13# GTC# 1746-2# N ASE 353 022869-1255N
 510 CRO 153 DC 022869-1254 N JAB -- PD 6253-2# GRABEEL DC# \$
 253 NOISY LINE - LINE 007 DOWN

*Pl. 89 marked
at direction of R. Heller
on 3/29/72*

741 CRD 132 EV 022869-1448 # MILLER# OK US TO PAY 3701-9-14M UN ACCU# DEVE EV #
 79 PB 51 FND 022869-1500 # BOT 315 INVESTMENT CO OF AMERICA 15.90# LESS 2%# 3649-1# \$
 2593 EXT 0 AA NS 022869-1450-CSC#-GUD NITE ALL#-ASE#-
 100 NYC 133 EV 022869-1448 # CLOSE MAY MAINE POTSW EV# \$
 736 CRD 107 PS 022869-1447 # RICH# RE OR-1391 AND# 3710# CK-IN-MAIL-PLS GET EXT# RE 1807# SLD OUT# TNX PAT PS# \$
 247 LA 0 WRC NS 022869-1448 # KEN# S & P CLOSING# 106 64 UP 02# 51 85 UP 01# 66 60 - 27# 98 13 - 01# VOL 8990 AL
 C STA# #
 737 CRD 147 RB 022869-1447 # VAS PAC# RE 96-1268/2 CUST WOULD LIKE TO TRSFR ALL TYPE 2# TRADES TO HIS TYPE 1 ACC
 1 SHOW DEBIT BAL OF # 1011# 44 WLD U PLS GV LATEST FIGURE U SHOW TNX LYN RB# #
 116 FL 204 WRJ 022869-1449 # RM FL# RE 66-5025-1# WE ARE SHIPPING 2000 BARTER IND# TO BANK TODAY DEV YOUR REQUEST#
 SMYTH# CGF# #
 56 DS 0 WRA NS 022869-1448 # DSN RE S A MRD 50-# PX GOF# 50% BILL# \$
 279 HB 430 WRF 022869-1458 # SLD 100 LTR WS 26%# HB-60-7868-1 \$
 521 STA 172 WH 022869-1447 # NRL OPFNS# OUT SELL # 100 CFA 54-# 100 DCA 2# # 100 CAF 29%# 100 SA32# ADD BUY# 100
 ACY 26 DNR CGF 2# DNR# 200 G-20 # 100 DXY-41 CPO 40# ADD SELL 100 CAF 76-# TNX LUCY WH#
 519 STA 310 CD 022869-1447 # STEVE RE S 50 GA MKT YES MEAN ON BID CD# \$
 367 TAB 222 DC 022869-1448 # SLIM # RACE# RE BANK 0594-0 UNION SPECIAL ACCT BANK HAS# CREDITED US TWICE ON THE \$10
 0 000.00 IT SHLD# ONLY BE ONCE THEY ARE ADJUSTING THEIR RECORDS# AND WL SEND COPY OF CORRECTION TO YOU# ANITA DC# #
 22 TX 0 FS NS 022869-1447 # ROY# U REALLY GG TO SELL UR CAR HUM, GEE I WISH U DIDNT, I LIKE IT, INSPITE OF NOT I
 SAID R47 AND I KND IT CAR# MEANS A LOT TO U... BARR#
 55 FX 432 WRF 022869-1458 # SLD 100 CF 24# DUST# FX-6947-1 \$
 520 STA 145 DE 022869-1447 # ED CLOSE# IF YOU HVNT DONE ANYTHING ON THE 60 COS JUST # FORGET IT WE WILL GO OUT TO
 PCX AND SELL IT IM SENDING# ORDER RIGHT NOW TO PCX SO DONT DO ANYTHING YOUR END EDE# #
 244 CD 244 AA IGN 022869-1449 # POSS DUPE# ROT 100 SAI 12%# CD 7# \$
 606 SVR 108 PS 022869-1449 # HIGH REY# BAK 509 NBR 78# J PS# \$
 146 RCH 247 KC 022869-1447 # KINGSLEY# THIS WAS MY PERSONAL ACCT# HELMERK# \$
 130 DE 305 WRD 022869-1451 # YATES# NEARLY I AM BEARISH BECAUSE OF TECHNICAL WEAKNESS# HOWEVER WITH THE GREAT RETAI
 I TAKE OFF THE PRODUCT I BELIEVE# WE COULD HAVE ANOTHER GOOD BULGE AT WHICH TIME I WOULD# FOLLOW YOUR THOUGHTS # BASSETT
 # #
 245 CD 206 WRJ 022869-1449 # STEVE CD# RE 2/18 RUN - THESE ARE CXL OF DIV CREDITS & BEBIT ON# 2/17# RCF CRD# \$
 147 RCH 0 PA NS 022869-1452 # CAN U PLS SEND OUT PROSPECTUS # ON KAYSAM CORP OF AMERICA# TNX MARION PA# \$
 522 STA 96 OH 022869-1447 # NEED REPORT SELL# ON ASE# 100 ROY 5%# RE OH 73 ENTD 12.00 OH TIME TODAY# FRED OH#
 # #
 216 KC 175 WH 022869-1448 # TYGFT# KCH FIRST NATL BK WH TSFRD TO NY \$125# BAL \$29# FOURTH NATL BK WH TSFRD TO NY \$
 75# BAL \$25# NY CHECKS \$27086.32# REFT SAME# RUTH WH#
 216 CN 209 LA 022869-1453 # ATTN # TED G MIKE F GLENN T VERN P# ICA 1542-1685 # AMF 102
 3-1118 # WMF 1436-1569 # AMCAP 6---704# JUSTIN PLS ACK FUNDS GOT TO NASD IN TIME# #
 23 TX 0 FS NS 022869-1447 # POY# OK, TAKE IT EASY NOW, ILL WIRE U B4 I GO HOME, # C U THEN, # BARR FS#
 739 CRD 190 CY 022869-1447 # SHANK GX GRAIN CFM BOT# 1 SMK 7235# \$
 80 WH 203 WRJ 022869-1448 # ROGERS# RE 54-5012-1 SYRO DYNAMICS - WE ARE# CORRECTING TO RAD PREFESSED THE WOPK# PP
 EFERRED IS A PALE GRANGE ON CTPS & THEN FILM DOES NOT PICK UP SO STK RECORDS# READ IT AS COMMON SMYTH# CGF# #
 740 CRD 191 CY 022869-1448 # SHANK EV GRAIN CFM BOT# 20 RN 119# 25 WK 131# 15 WK 132# 5 RK 119# # EV SLD# 1
 EJ 3710# #
 56 FX 66 FX 022869-1458 # BND OPENS# O RW 2# DUKE POWER 7-99 90%# J FX# \$
 118 EV 101 WB 022869-1452 # CLOSE MAY MAINE POT 345 \$
 523 STA 165 US 022869-1448 # NOL STEVE ORDER DEPT # RE US RTP 422 WRF 1443 ROT 20 ONG 22 1895-1 # DK LUKS LIKE D
 UPE OF RPT 441 AK 1347 ADV US # #
 524 STA 173 WH 022869-1448 # OTC OPENS# OS 200 COMMUTER AIRLINES 8%# OB 400 HESSTON CORP 18# OB 100 PIZZA HUT INC
 24# AB 100 CLINTON OIL OF DEL 30# AB 50 CLINTON OIL OF DEL 30# AB 200 LADY BALTIMORE FOODS 90# TNX LUCY WH#
 527 STA 174 WH 022869-1448 # ASE OPENS# OS 100 GUR 36# OS 100 ALA 24 STP LMT AND 44 ON SALE# OB 50 STG 8%# AB 200

Pl. by 87 and 88 marked
 at deposition of R. Pellet
 on 3/29/72

9 KC 19 WRJ 030369-0839 # HARRIS HARRIS RE 5398 AND 7450 ARE THE KC RECS OF 2/26# OK# OOC CRD# \$
 10 KC 20 WRJ 030369-0839 # HARRIS HARRIS RE 5398 AND 7450 ARE THE KC RECS OF 2/26# OK# OOC CRD# \$
 11 KC 21 WRJ 030369-0839 # CAROL RE 1464 IS THE CK RECD 2/26# OK# FOR THIS ACCOUNT# OOC CRD# \$
 12 KC 22 WRJ 030369-0839 # WIN RE 1509 SHUD THE TRADE OF VD 3/5# GO TO CASH# OOC CRD# \$
 13 KC 33 WRJ 030369-0841 # HARRIS RE 7924# PLS ADV ON THE LONG AND SHORT# LORRAINE AND MAYBE I CAN GET ADJD FOR THE
 SYMIS# OOC CRD# \$
 3 FL 24 WRJ 030369-0840 # LIL RE FEDL CALL DUE TDY HAVE U RECD ADV PLS# 2374-2 \$5548,00# LOBE CRD# \$
 4 FL 25 WRJ 030369-0840 # LIL RE MONEY DUE TDY HAVE U RECD ADV PLS# 3939-1 \$5770,27# LOBE CRD# \$
 5 FL 26 WRJ 030369-0840 # LIL RE FEDL CALL DUE TDY HAVE U RECD ADV PLS# 2374-2 \$5548,00# LOBE CRD# \$
 6 FL 3 WRH 030369-0842 # RM RE 5075 SMYTHE MADE PARTIAL DELVY OF 2000 SHRS # BARTEP ON FRI I ASSUME BAL SHUD FOLL
 OW SHORTLY# LOBE CRD# \$
 840 0 73/14-0 74/15-0 91/26-0 94/21-0
 840 OPEN LINE - LINE 004 DOWND
 3 SN 30 WRJ 030369-0841 # FEL RE 3166-2 HAS A FEDL CALL \$344, DUE 3/6# LEN CRD# \$
 844 L 4 61-79 91 94-95 98-99
 3 PT 41 WRJ 030369-0843 # LMB RE 8731-2 FC DUE 3/6 \$7424,00# EDDIE CRD# \$
 4 WH 31 WRJ 030369-0841 # RUTH RE 86/5313-2 FC IS \$688,00 DUE 3/6# FEV CRD# \$
 8 SC 1 AR 030369-0845 # GOOD MORNING# JOYCE AR# \$
 4 SN 5 WRH 030369-0843 # BEN THX FOR YOUR WIFE BUT I NO COMPRENDE WAT AREA DO I# SERVE LEN CRD# \$
 2 WRS 2 AR 030369-0845 # GOOD MORNING# JOYCE AR# \$
 5 WH 2 WRH 030369-0842 # JIM RE ACCT #6-1111# NEEDS 4250 AS OF 2-28 CLOSE# MGN ON CATTLE SPREAD IS 6250 BAL IN
 ACCT 1250# PLS ADV REGIS CRD# \$
 22 QTC 7 PR 030369-0855 # DIEBOLD COMPUTER LEASING# RPW# \$
 1 OF 0 WRH NS 030369-0852 # EX DIVDS MARCH 4 1969# ANC -# A C# BAW # BOX # CNN # CIT # CIT PR B 1 # CLU -#
 CLU PR A -# CR # ZB # CUL # CUM -# XLD # FAL # GIS PR # GLB -# GTY # GTY PR 1# GO -# TLS # KGE # KMG # KMG PR
 A 1 # KDT # LTV # LIT PR B # MAK
 # MOC -# ML # MIS # BI # BI # NTL -# NG # NES # NTT # NJP PR 1# AZ PR -# EMI # LCE -# NMK # NMK PR A # NMK PR
 B 1# NMK PR C 1# NMK PR D 1 # NMK PR
 E 1-# NMK PR G 1 # NMK PR H 1# NMK PR I -# OXY -# OXY PR A 1# OXY PR B 1# OXY PR C 1# PC 1# PEP -# PFT PR 1# RJR PR 1# SRE
 PR # SCG PR 1# SWK # UP # UP PR -#
 UMM # UFG # VFM -# WEY # # ZAL -# ADDED ITEM TO EX-DIV LIST MARCH 3 1969# RECORD DATE FRIDAY MARCH 7 1969# BAUSC
 H AND LAMB INC # BOL -# LUCKY STORES
 INC# LKS # #
 AB 12 LS 030369-0843 # LUNDY# RE ACT 2-28-69 FAIL PAGE 0110-1 SLD 20 FPL# 67 # PLS ADV FIGS, TNX GUS LS# \$
 14 KC 34 WRJ 030369-0842 # WILD RE 4939-3 SHOW THE SALE OF 300 XEROX IN ON TOYS SHEETS IS THIS 7/1K# OOC CRD# \$
 1 00 0 WRH NS 030369-0852 # EX DIVDS MARCH 4 1969# ANC -# A C# BAW # BOX # CNN # CIT # CIT PR B 1 # CLU -#
 CLU PR A -# CR # ZB # CUL # CUM -# XLD # FAL # GIS PR # GLB -# GTY # GTY PR 1# GO -# TLS # KGE # KMG # KMG PR
 A 1 # KDT # LTV # LIT PR B # MAK
 # MOC -# ML # MIS # BI # BI # NTL -# NG # NES # NTT # NJP PR 1# AZ PR -# EMI # LCE -# NMK # NMK PR A # NMK PR
 B 1# NMK PR C 1# NMK PR D 1 # NMK PR
 E 1-# NMK PR G 1 # NMK PR H 1# NMK PR I -# OXY -# OXY PR A 1# OXY PR B 1# OXY PR C 1# PC 1# PEP -# PFT PR 1# RJR PR 1# SRE
 PR # SCG PR 1# SWK # UP # UP PR -#
 UMM # UFG # VFM -# WEY # # ZAL -# ADDED ITEM TO EX-DIV LIST MARCH 3 1969# RECORD DATE FRIDAY MARCH 7 1969# BAUSC
 H AND LAMB INC # BOL -# LUCKY STORES
 INC# LKS # #
 LS 10 # BUY# 50 RCA MKT# GTCH 5834-1# NOL 5 030369-0842#
 4 CRD 3 GX 030369-0846 # GREG 8598 DEP 1633,63 ON 2-25 THIS ACCT ONLY BOT 20# J 20 SHRS WAS CHG TO 8599-1
 LD# #
 15 KC 35 WRJ 030369-0842 # CAROL 8883-1 AND 10 INTL T AND T # PLS ADV ADDRESS OF CUSTOMER# OOC CRD# \$
 2 OF 43 WRJ 030369-0850 # JJ SFEMS LKE 9904-1 NEVER SENT IN # 100 PRESTON OIL FMSALE 5/16 VAL AT 6 VS \$677,50#

R. E. 9/1(a) and (b)
 marked at deposition of
 R. McAllister on 3/29/72

281-11 PLS BUST BUST TO 3202-11 & CPMN 3 P14 #
 545 EDP 321 ZB 030469-1314 # ROT 300 CAL 18%# RB-4879-1\$
 2179 EXT 277 AC 030469-1314--CP--W-- BOT-100-ASM-27%#-Q-28#-3108-1-\$
 13 DX 0 4X NS 030469-1319 # AAN KINDA SLOW HERE TOO# ONLY PROBLEM IS MNSTR WILL SEE UR MSGS# DONT SEND ANYMORE#
 PLS PLS PLS PLS# TNX ILL SEND U SOME THO BUT DONT ANS# DONT-ANS#-MH--#
 2180 EXT 321 ZB 030469-1314 EDP # BOT 300 CAL 18%# RB-4879-1\$
 NH 46 # SLN 100 X 440H DAY# 9801-1N XN # AV 295 030469-13167
 316 END OF RETRIEVAL TO TERM CSC
 546 EDP 322 ZB 030469-1314 # SLD-100-DOW-73%#-03-0100-0\$
 2181 EXT 278 AC 030469-1314 OA # BOT 100 CGX 17 # MKTN 1337-1 \$
 316 TAR 124 SF 030469-1316 # WETJEN# TODAY 4/4 48-0005-1 RC SOLD 1300-F-50--NYSE#-AND-ALSO-BOT-1400-EVY-50#--CR-
 EDIT TOM MCGREEVY KC OFFICE - PLEASE DIRECTN TO PCT COMM TO THIS SF OFFICE THX LESSF#
 CJ 120 # CXL BUY# 100 PYC 18# GTC# 6655-1N CXL# ASE 509 030469-1314A
 HU 102 # SLN 25 LOF MKTN CXL 67# GTC# 9115-1N NOL 816 030469-1315U
 242 BND 119 WH 030469-1314 # SLN \$1000.ELO 429.CONV DUE 2-15-87-MKTN-GTC#-4357-1N \$1000-\$
 531 SVR 1815 CCAP 030469-1315 # LS REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# NRL 194 LS# SLN 100 EME 15 # DAY# 24
 96-14
 TE 40 # BUY# 50 SQN PR MKTN 1039-1# # AC 502 030469-1315
 118 SN 251 XW 030469-1314 # BOT 100 DAL GEYV# LRS
 2182 EXT 322 ZB 030469-1314 EDP # SLD 100 DOW 73%# 03-0100-0\$
 52 LD 187 BRM 030469-1325--JJS# RE-CZ--SORRY-ALL-SOLD-ON-SECONDARY#-JACK-TAYLOR#
 EN 79 # SLN 100 CDY 15- DAY# CXL 15- GTC# 1893-1N # ASE 510 030469-1314U
 61 NA 281 AC 030469-1315 # SOLD 5 SFE-19# MKTN 4022-1 \$
 TL 190 # CXL SLN 100 GB 38# GTC# 5070-1 CXL# AM 356 030469-1315T
 295 STA 184 FA 030469-1315 # ASE ED CLOSE # RE YR WIRE 260 # RE-SOLD-100-WOR-15-LONG-ACCT-4470-2-YOU-SAY-SHUD-HAVE
 SOLD# THIS SHORT ETC # ERROR IS BILL GROOMS # FA # #
 547 EDP 323 ZB 030469-1315 # BOT-100 GO-45-# LS-4971-2\$
 2183 EXT 251 XW 030469-1314 SN # BOT 100 DAL GEYV# LRS
 119 S. 284 AC 030469-1315 # SOLD 400 MTR 76# MKTN 1094-2-\$.
 2184 EXT 279 AC 030469-1314 TL # BOT 100 INF 19%# MKTN 7305-1 \$
 264 STA 121 DE 030469-1315 # STEVE SEE MY ORDERS NBR 10 ENTD BEFORE OPEN-TOW-BUY-25-SD-MKT-4451-1T NEED-REPORT-ON
 THIS# ALSO MY 68 ENTD 9,04 DE TIME# TO SL 40 AME MKTN 2292-1 NEED REPCRT ON THIS ADV EEDN #
 136 TL 0 C4X NS 030469-1315 # RE-CLX-SELL-1 MAY-BLY-MKTN DONT-KNOW-THE-CXL-#-PLEASE-ADVISE-WE-HAVE-ON-HOLI-HERE#
 C4X# #
 2185 EXT 280 AC 030469-1315 LD # BOT 100 ACC 23# 9809-1 \$
 TO 122 # SL# 100 EGR MKTN DAY# 1617-1# # ASF 511 030469-1315N
 243 BND 120 WH 030469-1315 # SL# \$1000 BEAUNIT CORP 4-9 CONVERT DUE-8-1-90-REG-MKTN-GTC#-4357-1N \$1000-\$
 675 CRD 169 EG 030469-1316 # ANDY# RE 2164-2 FC FOR 368 CAME IN YSTOY # ON BANK WIRE BUT YOU MAY SHOW IT INEQT IN
 2165 # CAN EGY #
 PS 40 # SLN 100 FSN 108# CXL 111# C434-1# 100# ASE 512 030469-1315
 103 FL 280 WRD 030469-1317 # RM FL# RE BARTEP SHYTHE FONE--TFR--AGT#--EXPEDITE--3M-SHRS--WL-SND-MSG#--TO--
 PICK# UP ASAP SCOTT LONG WRS# #
 60 AR 192 AV 030469-1319 # SLD 300 FFS 21-# FNCPT# WEHS #
 2186 EXT 323 ZB 030469-1315 EDP # BOT 100 GO 45-# LS-4971-2\$
 548 FOP 324 ZB 030469-1315 # SLD-200 PP-27#-# 07-0142-3\$
 2187 EXT 252 XW 030469-1315 CD # BOT 100 ITK 67# MJTS
 102 CSC 151 RB 030469-1315 # REPEAT 110 RB 411 PLS# GOT GARBLE-AND-CASCADED-SLD-12M-N-6%88-RB#-\$
 38 NH 417 AK 030469-1315 # BOT 10 ITT 49%# 3744-1N# \$
 SH 147 # BUY# 500 MRO 52# GTC# CXL 51# GTC# RPT TO ALGN-500-52#-#-AM-357-030469-1315#
 77 HQ 254 YN 030469-1316 # BOT 100 AVT 244# ON A 25LTN 6966-1T# GREGN HQ67\$

Pls. E. 9:00a and 11:00a
 provided at direction of R. Hallett
 and R. Hallett on 3/29/72 and 5/19/72

13 PCS 19 WA C30669-0935 N SAM N N RE 17-1091 LPM DU 3-3-81 70 GENL PUC UTILS 4-296-PCMC 13 NFFE AND ADDRESS
 N 17-1091-1 RR 67 N MR JOHN F ALXANDER N 52 MILL ST N WATERBURY CONN N WA N N
 93 CTC 25 US 030669-0935 N Q NYVATEX OIL HLS LS N 1
 14 PCS 5 NW 030669-0935 N JOHN MULLINS CORRECTION 50-5182-17 N MR THOMAS R WOLFE CUST FURN MARIA JEANNE WOLFE UN
 JUTPAV 213 SHERMAN AVE GLEN RIDGE N J 07028 SS 158-44-0278 CAROL N
 94 CTC 6 RK 030669-0935 N RE OPNS 3/5 N ACD SELL 20C COAP 9% SHC HAVE GONE CTC YESTERDAY N MY ABR 26 1462-1 N SH
 0 I RE ENTER TODAY N THX SAL RKN N
 95 CTC 25 US 030669-0935 N Q AGRTHGATE EXPLORATION HLS LS N S
 83 TAB 35 PA 030669-0935 N SIG MC CORSKY N RE ACCT 15-8663 N PLS EXCHANGE TST WTS LONG IN THE ACCT FOR N ELGIN NA
 TIONAL INDUSTRIES WTS N IRV PAN N
 935 TRMLS DCWA GY PA C
 135 CRD 37 DC 030669-0936 N SUSS - OKP 4355-1 NET CR BAL ANITA DCN S
 150 CTC 38 PX 030669-0935 N SLN 200 GENERAL ELECTRONIC 5N 1554-1N-200 N
 EG 8 N SLN 200 ENH WS 4 N CXL SLN 20C ENH WS 5C N CTC N 1027-1N 2CON CXL 200N N ASE B3
 030669-0935 N
 31 SF 17 TO 030669-0936 N QTEH BK OF SACTON JOHN BRUCKER N URS SYS N VACU DRYN HYLOND ENT N RED LAKE LABS N ARG
 ONAUT INS F ICN N
 EG 9 N BUYN 10C AZ WS 3 N 1151-1N 100N IF NOTING DCNE 3/5 N N ASE B4 030669-0936 N
 937 NOISY LINE - LINE 022 DOWN
 96 CTC 28 US 030669-0936 N Q FOUR SEASON EQUITIES N STEVE US S
 5 WH 14 WRE 030669-0935 N BET LEGAL TFR CK N 1650-ELEC-DATA-CONTROL-54-0753-1 SCHWARTZ CGE
 RTRAI 51 CTC 20 WA 030669-0935 N N BUY N 200 WESTERN DEEP LEVELS ADR PKT N 17-1706-1 N 20C N S
 42 BND 6 KY 030669-0935 N CXL BUYN 10M WESTERN POWER C GAS 4-707-87-GTCN 3570-1-10M-CXL-1
 84 TAB 21 GX 030669-0936 N 3-5 SLD 30 FST PIDMONT BK YR 21 NET 7923-1N SH RE LESS N BCD N S
 152 CTC 17 GC ORD 030669-0936 N SLN 20C PATHE IND 3 N GC 4460-1N-200 N
 85 TAB 17 WH 030669-0936 N SLINN WIRED 2/26 TO STOP PNT CK CK 147C ON MORGAN GIV TRUST N AMT OF \$16.63 PAID 12/18/6
 8 TO 540766-1 VIRGINIA N C BOWEN PLS ADV THX DGT WH N
 15 FCS 36 PA 030669-0936 N SAM LOMBARDO 3-6-65 CHANGE IN ADDRESS N 136-30-8538 15-7402-79 N MISS
 GIOVANNA INZANI N IN CARE OF MARIO BARILARI N 28 LYNN DRIVE N CLIFTON NEW JERSEY N MARCI PA N N
 35 LA 18 TO 030669-0936 N QTEH FUJI N PAC AIR TRANSP N AMER MNG C DEV N TRAD N ALCHA AIRLS F TON N
 9 FL 32 WHN 030669-0936 N RM RACE N RE 5025-1-2000 PARTER INDUSTRIES N HAS 9TC PY COMMERCIAL BK OF MIA
 MIN TODAY THEY SAY THEY HAVE NO INX FROM MR N FISHER TO ACCEP STK ADV LOBE CRDN N
 PB 25 N -- SLN 100 ASP 24 N DAY 4 65-3562-1N-100N N AC 93-030669-0936 N
 13 SHD 26 PR 030669-0938 N RE MY CRDER NDR 108 YA 3-5 N TO SL 200 BS MKTN FCR GU HLPFS FOR ACCT 781-24830N PLS
 ADV IF ANYTHING DCNE N RPWN N
 SM 35 N BLYN 10C PEC MKTN 100N N N 94 030669-0936A
 80 33 N SLN 200 P50 MKTN 50- ON SALE N 3681-2N 250- PKTN N ASE 85 030669-0936E
 PX 41 N BUYN 10C AID 12- N 50-C62C-2N 50-C6C5-2N 10C N N AC 95 030669-0936I
 15 CBT 11 AR 030669-0937 N RAYN RE ODA 6-8-5 JAN BNS-239N AND 8-5 JAN SBN5-245 STOP YES THIS IS OGG ORD N SORT N A
 R N
 153 CTC 10 AR 030669-0936 N TC 47-40N SLN 40C HUSTON FEARLESS CORP 47N DAYN-386-1N-400N-1
 CD 43 N SLN 100 MOB 56N 100 56N N XH 39 030669-0936G
 EG 10 N BLYN 12 BGT MKTN 4951-1N N NOL 150 030669-0936E
 10 EN 9 CY 030669-0937 N ELMER RE S 100 GAF 203 3799-1 YES MMN CAME THRU JERN S
 PX 39 N BUYN 10C NCD 10- N 2605-2N-100N N ASE 86 030669-0936O
 18 SN 16 WRE 030669-0937 N LEGAL TFR OK N 30C PECLA MINING CO 49-0083-1 SCHWARTZ CGE
 KC 19 N SLN 100 PC 61N GTCN 5435-1N N XH 40 030669-0936N
 KY 9 N SLN 16 DAT MKTN 8484-1 N NOL 151 030669-0936
 154 CTC 3 PX CRD 030669-0936 N BUYN 200 KLOOF GOLD MINE ACR MKT AMERICAN HELD N GTCN 3516-1N-200N-1
 15 KA 0 BI NS 030669-0939 N SHAF KC 4829 WALKER MAKE PEACH MRS ROSEMARY JUNE WALKER CSEN FOR MARK BRYAN WALKER N

Pl. 2, 3 and 137
 marked at direction of
 R. McAllister and A. R. Hays
 3/29/72 and 6/9/72

1. A. FILLER JONES - SOLD 100 PEA LIP
 E AT 350 FOR IN ACCT 47-9906-1 # BATEMAN EICHLER # FRANK B P & S TAB # #
 671 SVR 0 BX NS 032069-1523 # BANK WIRE APR IS 31 # #
 660 CRD 123 BT 032069-1522 # JAB CRD # 02-1557-1 HAS 1000 CSR COME BACK FM TRANSFER AGENT # YET CUST NEEDS STK
 PLS MAX BT # #
 523 CD TMUP
 84 PK 0 SF NS 032069-1523 # SANDY# TAKE-A-HIKE..... LARRY SF# #
 147 SX 0 SF NS 032069-1523 # SANDY# TAKE-A-HIKE..... LARRY SF# #
 861 CRD 155 MC 032069-1522 # RACE SOT # RE 41-6849-2 # RECD 1785.00 FED CALL # THNX WHITE HQ # #
 212 CRD 160 FL 032069-1524 # LORE RE 5025 DC WE HVE SM PARTER WICH CAN BE SHIPPT# TO CUST NOT PART SHIPMENT THE ENT
 IRE 5X CCHANE #
 672 SVR 1601 CCAP 032069-1527 # FF REJECT# HEADER FCRMAT ERROR# # HBND FF 181 FF# RE 153 FF 3/20# RE CPENS 3720765
 # ADD BUY# 300 MER 5 #
 524 INVALID CRDER # PEJS WRC
 147 CD 275 WRC 032069-1527 # KEN CD# STILL NO TRADE PLS ADV TIME DATE AND NUMBER ENTCD# RE THE 55 DI PR 145 ETC#
 COLGPES #
 379 TAB 105 DU 032069-1525 # FAL RE 4540-1 11/6 CR ON 900 T 1540 SB CXLEC PLS ADV# VERY OLD SALE DAL RLW #
 85 PK 0 SF NS 032069-1525 # BEAN TKS MUCH GLAD TO SEE SCOMEONE STILL LOKES# TO HELP OTHER PEOPLE OUT LARRY SF# #
 178 SF 0 CF NS 032069-1524 # LAR# OH I WCU'DNT GO SC FAR AS TC DAY U WERE SLW# SOMEDAYS DOES IT SEEM LIKE YOU? K
 EYS STICK # LMS#
 152 FND 249 DC 032069-1524 # MIKE FALK - DC U HV AN CPINICK ON TUDOR HEDGE FUND# ANY CHANCE OF US GETTING THIS# BPU
 YN DC# #
 74 RA 0 WRC NS 032069-1542 # MCMILLAN# DAPCN CREATIONS HAS MADE# APPLICATION TO ASE SMALL RCH#
 148 CD 0 CSC NS 032069-1527 # OK YR BACK IN BUSINESS # HIGH#
 47 NH 0 WRD NS 032069-1549 # WIEN# WOULD AVOID PURCHASING CARESSA EXCEPT ON FLRTHR WEAKNESS BUT # LIKE THEM LONG
 TERM LIFE MELVILLE SHUE MORSE AND PENCSCOT SHOE MORE# PRODUCTION PROBLEMS WILL CARESSA WILL CARRY OVFP INTO THEIR 2ND
 QUARTER 10AG RCH #
 96 TO 20C LA 032069-1524 # UR OPN B 100 LAS 9 REDUCED TC 9 WENT EX STK # CIST# BILL# #
 198 CN 273 WRC 032069-1524 # ANDY CN# RE YOUR REQ FOR TILE INS PENNZOIL ALLIED CHEM# PLS SEE OFFICE MEMO CHARLT
 N PEYNDERS JR #
 863 CRD 248 DC 032069-1524 # SUSS -- RE 3547-1 PLS ADV HOW TO VIRGINIAN SAV & LOAN ASSOC REQD WANT TO ORDER OUT# IV
 A DC# #
 524 INVALID CRDER REJC WRH#
 865 CRD 250 DC 032069-1524 # SUSS -- RE ACCT 1869-1 EXCHANGE ON RESORT FOUND CFMATION# OF MY INSTRUCTIONS READS THI
 S WAY# JAN 28 1969 PE 1069-1 SHEET SFCW# IAX IN 1/24 SIGNED CARL CRD PLS ADV# BRUYN DC# #
 864 CRD 135 CL 032069-1524 # FISCHER# PLS SUB TO 30 CONTINENTAL AIR LINES# FOR 79-2158-1, ACCT LG 200 RIGHTS AND PC
 T 10 RIGHTS.# DEBIT ACCT SUB FEE C LEAVE STK LG IN ACCT# MEN CL# #
 106 PL 276 WRC 032069-1524 # EVELYN PL# RE SCLD 200 CUC 16- ACCT 9833-1# ORDER END 1,43 SALES APPEARS# 1,45 16
 16 # 1,46 16- 16- 16-# 1,47 16-# 1,48 16-# PRICE IS CCRECT STA ASE ED CLOSE #
 65 KM 85 FND 032069-1529 # BOT 56 MASS INV GRNTH 13,43# LESS 69# 5134-1# #
 87 OA 336 WRD 032069-1524 # DOT # RE 42-2816 # THIS ACCUNT LONG 56 SQUIBB BEECH NUT # IN MARGIN ACCT IN SEGRFGATI
 ON NOTHING IN CASH ACCT # JACK R CRD #
 118 OF 0 SF NS 032069-1525 # LMS# ONLY WHEN IM IN BAD SHAPE CR FAD A RUFF# NITE HEE HEEEE LAP# #
 152 FND 82 KM 032069-1527 # FALK# CUST INCUTRED EARLIER TOY ON AMERICAN RESOURCES# FUND INC # WITH WHOM WE HAVE NC AG
 REEFENT HE WUCH RE UNTERESTED IN SCMEHING CCMPARABLE TC THIS# DO YOU DR KINGSLEY HAVE A RECOMMENDATION IN H# THIS AREA#
 OCCANOR KM # #
 66 PA 0 WRA NS 032069-1525 # ANN# RE BOT 25 SCIENCE MANAGEMENT CCRP 22# FOR 2513-1# DO NOT SHOW ANY ORDERS FGRACCT
 2513-1# FOR EITHER SCI MANAGEMENT OR SCI MANAGEMENT ON# 12-2-68 ADV BILL #
 43 NO 81 FND 032069-1524 # SLD 50 NATICMAL SECURITIES SERIES BOND FUNC 6,38 NET# 1891-1# #
 174 SF 96 PK 032069-1524 # LARRY# VOLUME CF PRINCETON IS 500# PFA PK# #

Pl. 21 170 marked
 at deposition of Michael J. McAllister
 on 10/19/72

61 CTC 8 FL 032169-C918 N WINDJHAMMER INTLN \$
62 CTC 9 FL 032169-C918 N GREN NATL LEASING \$
BT 13 N BUY N 5 CAL RT MKT N 2293-2 N NOL 88 032169-C9181
UX 23 N SLN 100 PPG 36CN 100 36CN GBN N AM 30 032169-0919
44 CRD 3 JB 032169-0919 N VAS RE FED CALL DUE TODAY# 1246-2 RECD CHECK FOR CNE DUE MONDAY# YESTERDAY PLS APPLY T
HIS FOR CNE DUE TODAY# AND WILL GET ACOL 352# MONDAY THANKS# JBN N
10 RCH 14 NX 032169-C918 N AFEARN# LTR WTS CN 11/28/68# LJB NX# \$
5 FS 0 SX NS 032169-C919 N BARBN SORRY TO HEAR THAT LCVE BUT YCU ARE NOT IN BAD MOOD# FOR ME ARE U LOVEN LOVE YO
J REALLY XXXXCXOCXOCXOCX LEO SX# N
63 CTC 4 KC 032169-0918 N SUBSCRIPTION TV# SCHERR TLMICCN REPKN# \$
64 CTC 10 FL 032169-C918 N SONOMA MINES# \$
8C CTC 10 HQ CRD 032169-0918 N SLN 20C ELECTRONIC CCATRL SYSTEM FAIRMONT W VA 8# 5804-1# 200# \$
2 BK 223 CCAP 032169-0918 N BK REJECT# NO NUMBER# SVR N K
BT 14 N BUY N 100 BRN 10# N GTC N 9891-1# N ASE 26 032169-C9185
65 QTC 11 FL 032169-C918 N ALLIED FOODS# \$
5 FA 5 US 032169-0915 N SLN 140C LIBERTY INVESTORS LIFE INS TULSA #80 CENTS# US 7291-1# 1400# \$
7 CN 11 FY 032169-0921 N JLM# CAN YOU GET US A QTE PLS ON AUSTIN PCWCR CO OFN CLEVELAND OHIO# TNX DOT EV# \$
5 CBT 22 HQ 032169-0932 N SELL# 5# JULY CATS 63 STPN GTC# 7310-7# 5# \$
5 WRS 15 FL 032169-0923 N AL KEY RE BARTER ARE WE IN POSN TO SHIP SM IN STREET# NAME TO BNK ACV HE IS STARTING UP
AGAIN R#N N
4 RB 21 WRO 032169-C918 N PEAN CNA ERIC LSNN RHL RBN RE PAR 31 PAYROLL# ANY TERMINATIONS OR CHGS
HV TO BE HERE MAR 25# SEIF WRS# N
2 KY 22 WRO 032169-0918 N DOUG EVN RHR CCA JO KYN RE PAR 31 PAYROLL# ANY TERMINATIONS OR CHGS
HV TC BE HERE MAR 25# SEIF WRS# N
BT 16 N SLN 100 BRN 20 N 25 CN SALE N GTC N CXL SL N 100 BRN 13# N 35 ON SALE N GTC N 36
48-1 N ASE 29 032169-0915N
66 CTC 6 PE C 032169-C918 N PURITAN FASHION WARRANTS# PEN \$
US 4 N CXL SLN 3C GAF 292# GTC# 4712-1# CXL N N NCL 89 032169-0919
22 SVR 0 BK NS 032169-0918 N TED GM CALL MEN PINDER# \$
67 CTC 12 FL 032169-C918 N HESS INC# \$
68 CBN 13 NX 032169-C919 N CUETE PLS# US TREAS 4- 1987 1992# JP NX# \$
AB 13 N BUY# 50 AJI 26# GTC# 2660-1# SCN N AC 35 032169-0920\$
23 CSC 0 AC NS 032169-0922 N TED G GM BENS
19 TAB 13 FL 032169-C918 N SLIM WE ARE CLOSING BANK ACCT 6610 LOT 15 BAL AKO DO# WE JUST WRITE CK FOR THAT AMT NIT
AN N
7 CC 13 CF 032169-C918 N PLS SEND ACCT NBR FOR# JAMES DEVITT SSN 164-22-C608# JOE CF# \$
14 CGE 3 CU 032169-0919 N M BOYLE# MAILED 2 PKGS 3/20 CAL DUN \$
3 EV 8 WRF 032169-0924 N DOUG - LEGAL TRANSFER OK# 1400 ABBOTT LABORATORIES 33-0041-1# SCHWARTZ CGES
4 LS 24 WRH 032169-0922 N RACE REG BK 755 ON CK RECD# OUT 17067.98 PLS ADV# MC CARTHY TAB# \$
23 SVR 225 CCAP 032169-0921 N NW REJECT# BAD CRDR QUANTITY# KAB THIS NUMBER# NRL 4 NH# BUY# 50 KFC 400# GTC# 03
13-1#
4 EXT 0 AC NS 032169-0922 CSC N TED G GM BENS
AC 22 N SLN 100 PAC RT MKT# 100# N XW 28 032169-0919C
83 GTC 1 EV GRD 032169-0915 N SCN 30C CARRERAS CLASS B CRD LTD 1,07# 9159-1# 300# \$
2 DU 23 WRO 032169-C919 N MIKE DUN MAC AR# HR WNN RE MAR 31 PAYROLL# ANY TERMINATIONS OR CHGS
HV TO BE HERE MAR 25# SEIF WRS# N
2 FF 9 WRC 032169-0922 N RE 22-2610 CONF DATED 3-19-69 BCT 25 LIEBEY GIVENS# FORD AT 52 NAME C ADDRESS PLS# SAN P
LSN N
5 CC 6 BY 032169-0915 N GOOD MORNING AGAIN# LENCRA BY# \$
3 AK 29 WRO 032169-0921 N

Pl. of 96 marked
at deposition of R. Mallett
on 3/21/72

00 1E 222 RAO 032169-1227 N VAS HUN RE 96-0614-1 SHOW SHCRY 1000 PENN ENGINEERING CORP SHOW LONG 10H PENN ENGINEE
 H CPOH N
 CN 134 N BUY# 25 SYT MKTN DAY# 3133-1N 25# N ASE 414 032169-1228H
 448 CRD 95 RD 032169-1227 N VAS HUN RE 96-0614-1 SHOW SHCRY 1000 PENN ENGINEERING CORP SHOW LONG 10H PENN ENGINEE
 R CCRP 5/93 PLS ADV IF SHORT PCSN N CAN BE REMOVED CH RBH N
 FX 147 N SLN 100 ICA 14#N 9801-2 N ICC N N AM 300 032169-1227
 107 GC 363 WRA 032169-1227 N SLD 200 DATA DECISIONS 9# GTCN N 3519-1 S
 50 CJ 201 AN 032169-1230 N BOTH 200 AS 61#N CJ 64#N W I C 15
 2015 EXT 184 AA 032169-1226 GC N BOT 100 AGO A 50# Q PKTN 3584-1# S
 EV 103 N BUY# 50 BBI A 10 N GTCN CXL 10# GTCN 3580-1#N N AC 392 032169-1227C
 RTRA214 BRM 55 OA 032169-1228 N JFB HUN SENT SCOTT LONG LTR LAST WEEK AND WIRE# WED ON PROBLEM - NO ANS - TO EITHER P
 S
 ACV# HUESCN CAN N
 185 LA 88 NX 032169-1230 N HALN RE POLIAKOFFS ACCT# AMTS TO BE PDN 0302-1 3214, 16# 0305-1 725E, 18# 0308-1 9334, 71#
 0309-1 347C, 05# ELSIE NHKN NXN N
 96 PX 1185 CCAP 032169-1227 N PX KAB 146
 2016 EXT 199 AN 032169-1227 BO N BOT# 300 RST 12#N BG 112# A 1 FRE 28
 68 FL 221 WRJ 032169-1230 N RM FL# RE YR WIRE TO AL KEY ON BARTER HE DO NOT HAVE 5H YON SHIP IN STREET NAME TO RAN
 K PLS CLARIFY HE IS STARTING# UP AGAIN# SCOTT LONG# N
 37 WA 1184 CCAP 032169-1227 N WA KAB 41
 2017 EXT 226 AM 032169-1227 FF N SLD 200 BHM 28# SHS
 13 CL 185 WRC 032169-1232 N AT THE CLCSE OF 3/21# ABL -# ACM STOCK# BAK U # CPY STOCK# FSN STOCK#
 HUB A # HUB B # KI STOCK# MMU STOCK# MY # STE U # SYO STOCK# HUB A # ERC #
 GC 121 N SL# 50 BE 17# CXL 50 18# 6250-1#N NOL 544 032169-1227
 73 CP 186 AA 032169-1228 N BGT 1000 PW 1C N 5165-1# S
 403 SVR 1185 CCAP 032169-1227 N PX KAB 146
 LS 123 N BUY# 50 GSK 31#N GTCN 6741-1#N NOL 595 032169-1227A
 498 CTC 62 PS 032169-1228 N POSS DUPE# PLS QTEM FEE NATL LIFE INS COM S
 446 CRD 52 CY 032169-1227 N SHANK EG GRAIN CFM SOLCH 1 PBK 3855# S
 44 CL 230 AM 032169-1228 N BOT 100 WL 42 N KVS
 72 CPB 72 FS 032169-1227 N CHUCK# CUST HERE ACCT 07-4621-1 BCT 100 GAMB NUCLEAR AT 40 ON# DEC 9 1968, # STK STARTED
 TO GO DOWN RITE AFTER TT DATE, # WAS DOWN TO 20-22 LAST WK, AND NCH ARND 24-26, # IS IT ENUFF INFO/OR SHALL I TRY TO GET
 MCRE, # PLS ACV/THX FOR UR HELPH BARBA
 RA FS #
 90 FF 227 AM 032169-1227 N SLD 100 BHM 28# SHS
 2018 EXT 121 AB 032169-1227 JB N BOT 200 CLY 21# 3761-1#
 149 BC 365 WRA 032169-1229 N SLD 1000 AMERICAN HYDROCARBON 1,05# N 8558-1 S
 NM 107 N BUY# 100 LCT 17# 11C-2# 10C # AC 393 032169-1227
 WA 43 N SL # 50 FCR MKT # N 17-1842-1 # N AC 394 032169-12280
 13 CE 185 WRC 032169-1232 N AT THE CLCSE OF 3/21# ABL -# ACM STOCK# BAK U # CPY STOCK# FSN STOCK#
 HUB A # HUB B # KI STOCK# MMU STOCK# MY # STE U # SYO STOCK# HUB A # ERC #
 447 CRD 53 CY 032169-1227 N SHANK TL GRAIN CFM BCT# 1 WPG FK 323# 1 PBK 3857# 1 PBN 3902# 5 CZ 1136# 2 PBQ 380#
 1 PBQ 3810# TL SOLCH 2 PBQ 365CN 1 PBQ 370CN #
 57 CF 122 AB 032169-1227 N SOLD 7C SCI 11 # CMKT# DF 54#
 SF 62 N BUY# 100 PAC 21#N 3255-1# CFM 100 PAC 21#N N XH 298 032169-1228
 52 BT 184 WRC 032169-1232 N RAY BT RAN SEL 1968 DIV# PLS WRITE COMPLETE NAME MCKENNA STA S
 140 CGE 78 HS 032169-1227 N GANNON HU RE 38-5277-1 AND 31 CITY NATL BANK CF PCUS# TON CF WHICH THERE ARE 14 SHRS NO
 W IN TRANSFER ACV # IF POSSIBLE TO RUST TRACE ON THE REMAINING 17 SHRAN RES ADV BOW HSN #
 37 JD 194 BK 032169-1227 N SLD 10 KIT 35 N 3762-1# S
 2019 EXT 194 BK 032169-1227 JB N SLD 10 KIT 35 N 3762-1# S

Ch. Ex 97 marked
 at deposition of G. McAllister
 on 3/29/72

Pl. 8298 marked
as deposition of R. Hellett
on 3/29/72

15' QA 0 SHD NS 032469-1000 # ALL WIRES -# SYMB CHANGE CALY - BCU IS BEING CHANGED TO CKI ON TODAY, # AL
 L YR OPEN ORDERS ARE CXLD PLS REENTER # CLOSE STAN #
 17 SF 42 WRC 032469-1000 # BOB RE 48-1855-1 AND CK PD 3-21 22:00 ACCT# DID NOT HV A CR BAL PLS ADV# BAZ CRDS
 115 CRD 46 CC 032469-1000 # SUSS -- ACCT 1841-1 HAS THE LL EXCHANGE COME THRU YET# IF SO HOW DOES IT REA PLS# BRUYN
 CC# #
 3 AB 14 PS 032469-0959 # AB FCR ERC# HW DOES LTV WS # ASE LCKS PLS ADV TNX# SCHWINDER PS# \$
 000 TERM BRM LINE 019 NO RESPONSE TO TSC
 73 BNC 37 FL CRD 032469-1001 # BUY# 5M VAN DORN CORP 50/88 99# 6892-1# 5M# \$
 CL 41 # BUY# 100 K 40# GTC# 1706-1# KN # AV 73 032469-1001-
 13 FA 26 KC 032469-1001 # SL# 3000 CCNTEINENTAL INV CO ARIZONA 1# FCK# 4588-1# 3000# \$
 LA 26 # BUY # 600 PLW 28# # NH GTC # 306-1 # 600# # AC 102 032469-1000/
 26 KC 30 WRA 032469-1000 # TJMM DAYLIN IAC 5 NEW 20 YR CERS CUE 1989 93--5# \$
 5 NB 28 WRA 032469-1000 # RE YOUR 13 CRD# BUY 1# CONSCL DEISON 7,90-1999 W 102# ETC# QTED 1022-3-#
 PL 12 # SSHRT# 100 PHL MKT# 3998-2 # 100 # # XW R4 032469-1000#
 35 HEND 26 LA 032469-1000 # AC # BUY # 600 PLW 28# # NH GTC # 306-1 # 600# #
 11 QT 0 SHD NS 032469-1001 # ALL WIRES -# SYMB CHANGE CALY - BCU IS BEING CHANGED TO CKI ON TODAY, # AL
 L YR OPEN ORDERS ARE CXLD PLS REENTER # CLOSE STAN #
 16 FL 46 WRC 032469-1001 # LIL RE RANTIG IND- PLS CK WITH JEAN ACKERMAN AT# I J SCHENIN AGAIN PHONE 945-7421# TC S
 EE IT SHE HAS HEARD FM ATTY RE RELEASE# CF STOP ON SHRS. THEY DELO TO US BEING PRESSED FOR THE STK# SHYTHE CG#
 35 STA 29 LA 032469-1001 # NRL # PLS MKE CRDR REAC -RC- # RE OUR 24 THIS MRNG SL 2# HAL MKT 322-1# BOB# \$
 LA 23 # BUY # 400 CMO 10# # GTC # 3599-1# # 400# # ASE 99 032469-0959#
 8 BY 0 WRC NS 032469-1000 # MICHEAL BAKER JR INC 16-17 SUB \$
 UX 85 # BLY# 5 # BL MKT# 5# # ASE 100 032469-1000#
 41 BRM 763 CCAP 032469-1000 # BRM REJECT# INCOMPLETE TRANSMISSION# NRL 35 HU#
 38 LA 11 WB 032469-1001 # RE FAIL ADD SELL 1 JULY SILVER 188,50 GOOD 3/28 HAVE NOW SUCH ORDER U DID HAVE CNE EXPIR
 E ON 3/21 SELL 1 JULY SILVER# 189,50 PLS ADV SIPP NYCH
 126 SVR 763 CCAP 032469-1000 # BRM REJECT# INCOMPLETE TRANSMISSION# NRL 35 HU#
 151 QTC 37 OH 032469-1000 # QTE YALE EXPRESS# MK CH# \$
 000 TERM BRM LINE 049 INTERCEPT START 0039 PRIOR# 11YD
 16 TL 0 WRC NS 032469-1000 # REW# TCRNT# BOX SCORE FOR MAP 21# ISSUES TRADED 787# ADVANCES 266# DECLINES 263# UNCH
 25# NEW HIGHS 13# NEW LOWS 35 PARJ 1R #
 000 TERM BRM LINE C19 NOW RESPONDING#
 152 QTC 38 OH 032469-1000 # QTE TOYOTA MOTORS# MK OH# \$
 HU 34 # SL# 200 UNR 13-# DAY -- QTE PLEASE -# 6504-1# 200# AM 94 032469-1000#
 13 EN 90 WRD 032469-1000 # ELATIN# RECD REGD 21648 CTD 3-18# BOYLE CG# \$
 17 CC 15 BL 032469-1002 # WASH ENGR# HM BL# \$
 4 AB 34 CP 032469-1002 # RE UR 1# TED GRANATA ETC# # DSNT MAKE ANY SENCEN# CHAS CP# \$
 000 TRMLS DOWN GY PA D
 153 QTC 39 CH 032469-1000 # QTE FUJI PHOTON MK CH# \$
 8 HQ 50 WRC 032469-1002 # WHITE THIS WAS DAY ORDER THAT DAY REW BUY 43 R 25 HQ 0014-1 ETC# STEVE STAS
 154 QDN 40 OH 032469-1000 # QTE EAGLE GOLD MINING LTON MK OH# \$
 16 POS 40 NX 032469-1001 # JOHN PULLIN# CHANGE CF ADD# 50-0888-19# PRS PASQUALINE BETTY LCHBARDIN 361 PARK AVE PO
 BOX 285 APT C-3# ORANGE NJ 07050# LUCILLE NX# \$
 LA 25 # SL # 1000 ENG PKT # NH # 322-1 # 1000 ENG /SORI MKE IT READ RC/# # # XW E5
 032469-1000#
 EN 37 # BUY# 100 FT 34# 1713-1# # AM 95 032469-1001#
 000 LIMIT TRAN 005 POLL 003 RECV 001 REPL 001 PRPL# 001 MXML 002
 11 PL 45 WRC 032469-1001 # EVELYN AYS RE AB 200 MPL 22# AND OB 100 PAG 24 AYS# AL STAS
 7 PK 127 ARJ 032469-1002 # SCOTT# RE YOUR INQUIRY 72-2548-1 # WF WIT# CREDIT ACCT 442-74 500 20# INDEB# ON STAN#

Pl. Ex 100 marked
 at deposition of R. Hildt
 on 3/29/72

30 NO 78 AB 032469-1140 N SLD 100 POT 3-15/16N GTCN 1417-1N \$
 1354 EXT 118 AV 032469-1140 PX N SLD 100 HSN XX GAC 47N KOPS
 150 BND 106 PX 032469-1140 N ATTN BNYN PLS QYEN B C Q 42-2010 FN SIZE AND LAST SALE FOR HESSNER PKB \$
 BY 10 N SL N 10 PPL PRB MKTN NHN E 7 OTS N 10 E 7 N N AM 215 032469-11430
 362 SVR 1436 CCAP 032469-1140 N WRB REJECTN BAD ORDER QUANTITYN KAB THIS NUMBERN NOL 13 GEN N BUYN 2018M PKTN 0312
 -1N 20
 92 RCH 102 CN 032469-1143 N HEPHING AT WHAT PRICE LEVELS SHLO DCV E CCLN BE BCT ANDYN \$
 363 SVR 1437 CCAP 032469-1144 N JB REJECTN INCCMPLETE TRANSMISSIONN RCH 84 JBN SZEN WOULD YOU SELL RST PRESENT PRIC
 E - STOCK N P
 79 SF O DF NS 032469-1145 N LAR A BOSS IS HERE WILL WIRE WHEN GONEN SR DFB
 60 GC 144 AM 032469-1141 N SLD 100 CTN 48CN ON \$
 1355 EXT 143 AM 032469-1140 N NW N BOT 400 ACD 30-N N NW 44N ACVN \$
 125 CGE 58 FL 032469-1141 N SMYTHE RE BARTEP EXPECTS TO HEAR IN FEW DAYS RMW \$
 HB 107 N BUYN 25 GA PRA 45-N DAYN 7235-2N NOL 520 032469-1141
 414 OTC 91 WH 032469-1140 N BUYN 100 PATRICK PLYWCCD ENTERPRISES 152 OBN AON GTCN 1268-1N \$
 TL 78 N BUYN 1000 MCO 55 N GTCN 1337-1N 1000 55 N N AN 218 032469-11410
 38 NX 80 AB 032469-1142 N BOT 20 ATH 45-N Q PKTN GTCN NW 8065-1N \$
 57 NK 129 XW IGN 032469-1140 N HPG REUR MSG ENG HAVE U RECD ANYN REPORTS ON ENG EITHER BEFORE OR AFTERN UR MSG ADV
 15E INXH CEF \$
 1356 EXT 78 AB 032469-1140 NO N SLD 100 MOT 3-15/16N GTCN 1417-1N \$
 27 RK 132 XW 032469-1143 N BOT 100 VAR 29 N -- N 1815-2N H \$
 1357 EXT 124 AA 032469-1141 EG N SLD 100 NRY 140N Q 140 LTN 3277-1N \$
 28 LD 233 AK 032469-1141 N BOT 3 OGE PRA 13CN Q 130N CPNN 1639-1S
 SN 75 N SLN 40 GRB 23N 5800-1N 40N N ASE 275 032469-11422
 404 OTC 71 CL 032469-1142 N CHUCKN RE OUR 59 BUY 9M US TSY NOTES 56 B-74 96 4/32N 1388-1 AYS MAKE DAYN TXN CLN \$
 65 US 140 AN 032469-1142 N ONDCT 400 RST 132N 3157-2N WERTN US119S
 415 OTC 68 EN 032469-1142 N BUYN 100 COSMETICALLY YOURS 262N 5882-1N \$
 150 STA 77 SN 032469-1144 N REQUEST STATUS/BA 45 RST MKTN 45C-1TN RF 3N 60N \$
 HU 108 N SLN 20 CTC MKTN GTCN 6863-1N NOL 521 032469-1141E
 67 PT 17 CMX 032469-1143 N N BOT 14 JUNE CATT 3065 ON 70 CB LIMITN LVS 36N PT 2231-7N \$
 1358 EXT 139 AN 032469-1141 FF N BOT 100 DCA 190N ERAS
 208 XH 115 SHD 032469-1141 N CEFN AVERAGES -N MINUS 298N \$
 91 HEND 78 TL 032469-1141 AN N BUYN 1000 MCO 55 N GTCN 1337-1N 1000 55 N \$
 87 FF 98 FF 032469-1142 N INFORMATION SYSTEMS LEASINGN DANCY SNSAN PRODUCTS PAGE AIRWAYSN DASA CORP VIATRON C
 OMPUTERN CVER ALL FF \$
 1359 EXT 144 AM 032469-1141 GC N SLD 100 CTN 48CN CN \$
 61 GC 143 AN 032469-1145 N BOT 200 IHO 320N 6C90-2N GC86N WS \$
 1360 EXT 233 AK 032469-1141 LD N BOT 3 OGE PRA 13CN Q 130N CPNN 1639-1S
 190 TAB 120 DC 032469-1141 N LUNDY -- AS OF 3-21 FAILED REC PLS CN FOLLGN PLS PUT THEM ON T ONIGHTS RUN THNX #5902
 -1 SLD 10M ORLEANS PARISH LA SCH 20 5-1-79N SEIES E 72,65N 5902-1 SLD 10M CLEVE OHOD SCH BLDG 3 12-1-83 4TH SERIESN 69,
 05N 5902-1 SLD 10M VIRGIN ISLAND 4,80
 12-1-90 85,48N N TONIGHTS RUN WL BE OKAY THNXN SAL DCN N
 CH 90 N BUYN 10 MCB MKTN DAYN 2718-1N 1CN N 522 032469-11420
 126 CCE 78 EL 032469-1141 N BOYLEN OK RE PKG 1 10 3/18 JC ELN \$
 LA 93 N BUYN 200 NII 16N 8602-2N 2CO NII N N AN 219 032469-1141A
 45 NYC 91 FA CRD 032469-1144 N BUY N 1 IOAHO POTATOAS 7,75 N DAY N 2874-7 N \$
 60 JB 58 CY 032469-1144 N SHANK JB GRAIN CFM SCLON S PBN 397CN \$
 1361 EXT 125 AA 032469-1141 HQ N SLD 20C LOY 192N 7717-1N \$
 RK 25 N BUYN 100 VAR MKTN 1815-2N N XW 205 032469-1141I

Pl. by Pl. merged
 at deposition of Pl. McAllister
 on 3/29/78

A 365

Exhibit A Annexed to Affidavit of Michael J. McAllister

12-BT 43 XH 032569-1021 # MERRI # PLS ADV IF U RECD PKG NBR 1 DTD 3/17 # SUSIE PZ # S
 72 CGE 6 PZ 032569-1021 # BOT 300-F50-18-W-B0-21#
 228-EXT 54-AB 032569-1020 # CXL 25# 656-1T# N XH 106 032569-1021#
 SN 30 # BUY# 100 EAL 25-# TENNECO CORP 6--92 NO QTE YET#-#
 19 OA 58 WRH 032569-1021 # SEATTLE-OTC-LISI 25 MARCH 1969#-ALBERTSONS-13--C#-AMERICAN-MARINE-IND-8%-9%-AR-
 NH B # SL# 200 CLI A MKT# 0366-1# N AC 150 032569-1021#
 7 OR 0 TL NS 032569-1021 # BAZAR 20-# CASCADE NATL GAS 12 -#N EQUITABLE S & L 26--7-# FAMILY LIFE 36--7-# FARMERS NW LIFE 36-
 DEN MAYFAIR 13#-14 # BAZAR 20-# CASCADE NATL GAS 12 -#N EQUITABLE S & L 26--7-# FAMILY LIFE 36--7-# FARMERS NW LIFE 36-
 7# GRANISLE COPPER-11#-12-# FENTRON
 HWY PRODS 7--BN HEATH TECNA CORP 24-#N HOMA OIL & GAS 5%-6# KAISER STEEL 62-3# KING RESOURCES 78-5# HILLHAVEN 22-4# MO
 REN .# #
 37 WA 30 AN IGN 032569-1021 # YR SL 1200 OGE MKT# 99 ON SALE# DO U MEAN RTS# OR STOCK ADVISE# RACE #
 229 EXT 65 AA 032569-1021 # SX # BOT 50 AO 96# Q MKT# GTC# 0133-1#-#
 275 QTC 73 PX 032569-1021 # ATTN WALTER# PLS QTE# JULYN SPORTSWEAR# FOR AL FEIDMAN PX# S
 267 CRD 34 CY 032569-1047-# VAS-RE-90-6639-2- LONG 600 ZE AND 40-6639- LONG C-SHT# 1000-ZE, HE WANTS-TO-KNOW-IF-OK-TO
 DEL 400 ZE BOT # RECENTLY IN 90-6639-2 VS POS IN 40-6639, # MORE#
 22 BM 48 FL 032569-1023 # SCOTT LONG RE 5025 RE BARTEP DO NOT SHIP# LEVE IN ACCT UNTIL FURTHER INX RMA-#
 CN 64 # BUY# 15 RAM MKT# DAY# 9890-1# 15# # ASE 152 032569-1021#
 CN 63 # SL# 100 SN MKT# 15 MKT ON SALE# DAY# 9-1# 100615# # AM 111 032569-1021-
 16 SN 29 SN 032569-1021 # ED ASE FULL OPN AS OF CLOSE MAR 24# SELLS# 200 LGY 12- DK# 100 GW WS 50 ON SALE 25
 GOES 100 GW WS 52-ON SALE-25# 200 LGY 50 ON SALE-12# DK# 15-OLN 40-CK#-- BUYS#-25-ATQ-15-DK#-25 LGY-7%-ENTERED-8/16-
 NOT LISTED 100 CUD 4% ONE NETETERD O
 N-2/24 ANOTHER ON 3/4# SHUD BE TWO LOT ONE TT PRICEN PLS ADV--TNX#--GRACE SN#--#-#
 230 EXT 21 AK 032569-1021 CJ # SLD 20 WIN 34 # 5736-1#
 021 L UP
 18 CL 140 WRA 032569-1021 # RE BUY 5# US TSY NOES 5# 8-74 96 20/32 # 1388-1 # 96 26/32 IS BEST ON A FAST REPLY # C
 HUCK-OTC-# #
 11 FX 103 WRD 032569-1022 # SC FX# WE PUTTING 2 SHR CZ INON MARY ELLEN SVUITT INN H F P AND CHARGIN
 G CUSTOMER THE DIVIDEND, # KLEIN CGE, #
 33 UX 21 AC 032569-1021 # SOLD 200 PNT 11# UX 26# S
 231 EXT 43 XH 032569-1021 # BT # BOT 100 TG 29# BT 22# W-#
 104 TAB 5 KB 032569-1021 # FRANK TAB# RE 3/21 LCL 8 75-5817-# BOT 25# GENESSEE CO MICH GO DEW# 5% PC JULY 2001 AT 9
 2,893-RECC CUPE CFM-LAST-NITE-WILL-DISREGARD# NOW FIND-HV-CUPES-OF-LCLS-6-7-AND-9-THOSE-THAT-I-REPEATED#-DON-KC#-#
 35 SX 29 AK 032569-1022 # SLD 10 TIC 31# 0133-1#
 13 BT 22 AC 032569-1021 # SOLD 10 AXR 40# 1335-1# S
 232 EXT 66 AA 032569-1021 NX # SLD 100 UVC 22-# Q MKT# 9680-1# S
 AR 23 # BUY# 100 HNS 30# DAY# 9397-1# 100# # AM 112 032569-1021-
 GC 36 # BUY# 100 ELS 20# 4429-2# AM 113 032569-10260
 021-END OF RETRIEVAL--TO-TERM--SVR
 282 OTC 28 CX ORD 032569-1021 # BUY # 100 PANCOASTAL INC 2- # 8937-1# 100 # S
 31 FL 28 AV 032569-1021 # SLD 100 GET PR 18# 2-9# FL 41# M#
 233 EXT 21 AC 032569-1021 UX # SOLD 200 PNT 11# UX 26# S
 152 CSC 0 BRM NS 032569-1022 # HIGH PLS RETRIEVE 50 BRM# THANKS J-BRM#
 33 LS 68 WRH 032569-1023 # CCO CHAMBERLAIN MFG CORP 16--17-# S
 021-END OF RETRIEVAL--TO-TERM--SVR
 8 QP 0 TL NS 032569-1021 # SEATTLE OTC LIST 25 MARCH 1969# ALBERTSONS 13 -C# AMERICAN MARINE IND 8%-9%-AR-
 DEN MAYFAIR 13#-14 # BAZAR 20-# CASCADE NATL GAS 12 -#N EQUITABLE S & L 26--7-# FAMILY LIFE 36--7-# FARMERS NW LIFE 36-
 7# GRANISLE COPPER 11#-12-# FENTRON
 HWY PRODS 7--BN HEATH TECNA CORP 24-#N HOMA OIL & GAS 5%-6# KAISER STEEL 62-3# KING RESOURCES 78-5# HILLHAVEN 22-4# MO
 REN .# #

*Pls. by 102. Transcribed
 at direction of J. McAllister
 on 3/29/92*

34 EG O WRG NS 032569-1105 # DUKE# MAGNUM CONS 4,25,30# WILL ADV BLUE CORNW MARJ TR \$
 139 STA 86 BD 032569-1104 # RS-SENT---ACCT NBRS ON THE--FIRST-500-SPV-DOWN-TO-STAN---500-WILL-FOLLOW#-#
 62 PX 101 WRC 032569-1104 # MESSNER AMN TEL 1-12-68 CLOSE 54# WELLINGTON FUND 1-15-68 12,99-14,12# AHEARNE RCHS
 396 OTC 78 FA OKD 032569-1105 # SL # 600 SENECA OIL CRNP 3% # FOK # -2097-1 # 600 #-\$
 58 LS 102 WRC 032569-1105 # RBR SECOND ANS STPAUL FIRE AND MAR 5-8-64 25-# AHEARNE RCHS
 47 DE 267 WRA 032569-1104 # BOT 100 CREATIVE MERCHANDISING-10-#-2227-1-\$
 138 EDP 100 ZA 032569-1104 # BOT 100 ZE 500 # TL-8030-1\$
 1024-EXT-100-ZA-032569-1104-EDP-#-BOT-100-ZE-500 #--TL-8030-1\$
 30 NX 118 WRJ 032569-1105 # LUCILLEN RYH 3/17 SLD 200 CONSOL PKG 10- ALSO SLD 200 CONSOL PKGW 10 FOR NW 0309-1# A
 CONFIRM WAS SENT OUT-YESTERDAY-AFTERNOON# SUSAN#
 92 BRM O WRG NS 032569-1106 # RE SELL 100 MPC 6# FOR 1028-2# THIS NOT ON CMW HAVE RE SENT TO PCX BOB HU \$
 32 RB 141 WSD 032569-1109 # DEMENOD- RBW RE-1800- FOREIGN-SEC- FOR-963280-1#-SINCLAIR-J-HOFFMAN- WE-RE-
 CM FM FENTZ CD 15 HE BK FM BKNW DONT WANT TO HOLD STK HERE WL SHP TO HIM# OR TO EUROPE NEWMAN CGE#
 FS-47 #--CYL-SL#-100 AMO-11#--0412-1#-100#-CXL#-XW-168-032569-1106\$
 139 EDP 101 ZA 032569-1104 # BOT 400 DEL 30% # 03-0100-0\$
 1025 EXT 101 ZA 032569-1104-EDP # BOT-400 DEL-30% #--03-0100-0\$
 49 DE 59 CL 032569-1105 # SHFR KC EE DEN HAVE GIVEN 79-3289 TON MICHAEL C MURPHY & ELIZABETH S MURPHY# 600
 E BROOKSIDE# COLORADO SPRINGS COLORADO 80906# SS 363-32-2523# CL# #
 88 BRM 59 OF 032569-1104 # TAYLOR RE PARKTOWN A LOCAL UNDERWRITER INTERESTED IF# YOU CAN COME UP WITH ANYTHING WU
 O APREC# KNOWING- SOON#--PHIL-DH#-#
 DU 52 # BUY# 200 KAV MKT# 5405-1# 200# ASE 235 032569-1105A
 384 OTC 60 OH 032569-1105 # QTE INSTRUMENT TECHNOLOGY# PHIL OH# \$
 39 GC O WRG NS 032569-1106 # MARGEN MEDIATRONICS 35-7# DATA DECISONS 9-# \$
 140 STA 61 OH 032569-1106 # BGP# REC-MAIL CFM 85-3936-1 BOT 67 BUTTES# GAS-AND-OIL-AT-230-AO-3-24 THIS NOT OH TRAD-
 EX PLS BUST AND ADV# EZ OH# #
 140-EDP 102 ZA 032569-1105-# BOT-100-WIE-180-#-04-0100-0\$
 1026 EXT 57 AM 032569-1105 NW # SLD 100 KN 50-# OH 50 LIMIT# DHS
 70 BO-106 WRC 032569-1105-# SHAPIRO-BLAW-KNOX HIGH-AND-LOW RANGE-AUG-53-14-AND-15#-AHEARNE-RCHS
 67 PT 270 WRA 032569-1105 # BOT 1M TGT 7-93 90# # 3474-1 \$
 314 CRD 23 KW 032569-1105 # LEO 4-1-WIRED-YA-ASKING-U TO TSFR-6-RT-PAC-TEL-6-TEL-#-FM-88-9810-TO-88-C850-THIS WILL
 EVEN OUT RT # JILL KW # #
 57-FL-143 WPD 032569-1110-# RM-FL#-TNX--FOR-WIRE-RE-BARTEP# WE-MVG-5#-TRFD-INTO-CUST#-NAME#-MATT-SM#
 TH AGREES WE SHUD GET RID OF THIS# SECURITY SCOTT LONG. WRS# #
 59 LS-44 LY 032569-1106-# WIL#-UNCLE JOHN 82-9#-#
 54 FL 826 CCAP 032569-1105 # FL KAB 77
 1027 EXT 102 ZA 032569-1105-EDP-#-BOT-100-WIE 180 # 04-0100-0\$
 141 ECP 103 ZA 032569-1105 # BOT 100 MCD 57 # GC-9723-2\$
 1028-EXT-57-BK-032569-1105-CJ-#-BOT-5-OXY-42-#-692-#6923-1TH-#
 92 CK 99 AX 032569-1105 # BOT 100 PIN 43 # CK136# SLK# 43-0\$
 1029-EXT 103 ZA 032569-1105-EDP-#-BOT 100 MCD 57 # GC-9723-2\$
 385 QDN 70 CJ 032569-1105 # MARJ TRW RACE QTE CHARTER OIL# JONES CJ# \$
 29-FS-103 WRC-032569-1105-# MURPHY AUDBON RACEWAY-11-30-56 28-35-CTS#-AHEARNE-RCHS
 RI 153 # SL# 100 WRC 49%# GTC# 100 49%# # AM 180 032569-1106L
 142-EDP-104 ZA 032569-1105-# BOT-200-RST-14-#-RA-0324-1\$
 1030 EXT 104 ZA 032569-1105 EDP # BOT 200 RST 14 # RA-0324-1\$
 10-RK-O-WRG-NS-032569-1105-# JBC#-GEO-WASHINGTON-LIFE INS-4C-51-#
 54 CJ 104 WRC 032569-1105 # MOSS ED R-25-65 44 43# 43# AHEARNE RCHS
 RB-63 # BUY# 20-CEA-27#-GTC#-4247-1#-#-NOL-378-032569-1105-
 PR 155 # BUY# 50 CAF 52# DNR GTC# 50 52# # NOL 379 032569-1106E

Pl. Pl. 103 (a) and (b)
 marked as deposition
 of Pl. Pallet on 3/29/72

29 TAB 13 SM 040969-0920 M BOYLE N SPD 1 DTD 4/8 MARG DFS
 ET THIS FIGURE CHAS SM N
 37 CGE 9 CF 040969-0920 M BOYLE N SPD 1 DTD 4/8 MARG DFS
 FX 14 N BUY 70 GM 79H GTCN CXL 79H GTCN 4811-1TH N NOL 131 040969-0920
 96 QTC 19 EL CRD 040969-0920 N SLN 100 MOVEMATIC IND 4TH CBN EL 0197-1N 100N \$
 22 LA 43 WRJ 040969-0920 N DR LAN 47-1506-1N RE 100 LEHMAN CORPN N/O AUDERSON WIRE ME THE TRANSFER INX I AM HOLDI
 NG THE STOCK YOU SENT IN FOR CORRECTIONN SMYTHE CGEN N
 57 QTC 17 BT 040969-0920 N Q WESTCOAST PROD BT N \$
 EL 20 N CXL BUY 50 DEC PRD 68TH DAYN 9682-1N CXL 50N AM 32 040969-0920N
 97 QTC 16 PA 040969-0920 N SLN 1000 NORAMCO 50 CENTS 1392-1N ONE THOUSAND \$
 30 TAB 18 BX 040969-0920 N LUNDY 4-8 69-9543-1-S 35 SYN 50 FAIL TO REC MM PLSE ADV RAY N \$
 920 TERM AC LINE 069 NOW RESPONDINGO
 6 CX 17 WRH 040969-0920 N BABS RE 9813-1 SEND STOCK POWER N 1000 HER MAJESTY IND HAVE STOPPED TFR N INX CFM MAEH
 CRD N
 4 PB 31 WRC 040969-0920 N PB RE BK 658 DN CK PDS YR OUT 1070 91 PLS ADV MCCARTHY TABS
 3 PE 35 WRC 040969-0921 N BARRARA RECD PKG NBR 1 DTD 4-7N BOYLE CGE \$
 31 TAB 19 BX 040969-0920 N LUNDY 4-8 69-1626-2 B 40 CSL 29 PX SB 29 PLSE N ADV RAY N \$
 20 JRM 5 NO 040969-0923 N DAVE GASTON PLS CALL JOE MAHCNEY NORWALK \$
 98 QTC 17 PA 040969-0920 N SLN 2000 NORAMCO 50 CENTS 0438-1N TWO THOUSAND \$
 7 TL 42 WRJ 040969-0920 N RM FLN RE PARTEN PLS RE CHECK JEAN ACKERMAN AT J SCHEMIN RE RELEASE ON THE CTES WE
 ARE HOLDING IF THEY DO NOT HAVE MES SAYS N WE HAVE TO FAIL FOR MONEY SMYTHE CGEN N
 920 TRMLS DCHN AN A AN A AV A BG PA GY PA XH A X
 35 STA 45 CD 040969-0920 N RE REPORT 9 CD 2 WRF IGN BOT 100 ASM 31Z AS OF 4/8 BUST 2ND LOT ASE WE ONLY RECEIVED
 REPORT UNH ONE LOT CON N
 2 HQ 32 WRC 040969-0920 N HQ RE BK 7CS YR OUT ON CK PDS 12,00 PLS ADV MCCARTHY TABS
 69 CRD 20 CJ 040969-0921 N FEV CRD 25-0010-1 IF YOU RECD DIRECT 100 CZ CK TOPAY 6474,33 25-0199-1 OK TO PAY 905,
 65 IF YOU HAVE RECD DIRECT 15 CONTL CANN VA CJN N
 GX 11 N SLN 100 FDR 15 N GTC N 6701-1N 100 N AC 42 040969-0920G
 5 OC 3 AB 040969-0949 N ALL WIRES TED G ED CLOSE TO BE ADMITTED TO LISTING & REGISTRATION AT 10AM ON
 THURSDAY APRIL 10 1969N RAPID AMERICAN CORPN ABBREV RPD, WS- POSY 5N ASE
 22 SVR 320 CCAP 040969-0921 N PL REJECT N BAD ORDER SYMBOL N KAU THIS NUMBER ASE 4 PL N SLN 100 CGI RT PKT N 1743-
 1 N 100 N
 99 QTC 18 PA 040969-0920 N SLN 2000 SANTE FE INTL COLO 38 CENTS 0792-1N TWO THOUSAND \$
 7 1 43 WRC 040969-0922 N ADELE RECD PKG NBR 1 DTD 4-7N BOYLE CGE \$
 38 CGE 20 BX 040969-0920 N NOBLE DIV DEPT 69-9759-1 N LOCKS FOR 2 PCT STK DIV PD N 1-10 ACUSHNET CO 50 SHS PLSE
 N GIVE ACCT 1 SH RAY N N
 7 GX 18 WRH 040969-0920 N BAUS RE 8974-1 CK REC 4-7 FOR 208,50N IS THIS OK FOR THIS ACCT MAEH CRD N \$
 23 LA 53 WRD 040969-0920 N RE RE YR ODA NBR 22N SL 100 PKL A 17 STP LT OPN 2302-1N U RPT AT END
 OF ODA AS 50 50 SHRS ADV RACE ED ASE STAN N N
 36 STA 46 CD 040969-0920 N ES OK OB 100 APY 12Z CON \$
 PT 12 N BUY 50 GM PRB 82TH GTCN 6596-1TH N NOL 132 040969-0920N
 PL 2 N SLN 25 J MKTN 3071-1 N 25 J N NOL 133 040969-0921
 33 LA 16 TL CRD 040969-0933 N BUY 100 MANUFACTURES BANK CF LGS ANGELES 14N DAYN 9324-1TH 100N \$
 100 QTC 13 PT 040969-0920 N SLN 2000 CARRERAS LTD B ORD \$1,00 USFN DAYN 4866-1N 2000N \$
 4 NW 33 WRC 040969-0921 N NW RE BK 765 OUT ON CK RECD 13 267,67 PLS ADV MCCARTHY TABS
 GX 14 N SLN 100 DGR MKT N 7102-1N 100 N AM 33 040969-0922N
 24 LA 29 SN 040969-0921 N DAN SHPD NBR 1 DTD 4-8 LINDA SN \$
 9 WRS 32 SN 040969-0921 N LINDA TELEKY ACCT DEPT NOONE WORKD MONDAY MCH 31 HAL SN \$
 920 BG TMUP
 16 CGE 21 BX 040969-0921 N M BOYLE RECD REGSTD 90292 OF 4-8 BAKER N \$
 16 CGE 21 BX 040969-0921 N M BOYLE RECD REGSTD 90292 OF 4-8 BAKER N \$

Pl. By D. 172 marked
 at deposition of A. Hey
 on 6/9/72

4/19

RTA9 BT 25 BT 040969-0942 # TEST TO MYSELF BT # #
39 SVR 399.CCAP 040969-0938 # SX REJECT# LINE.OPEN# NRL-14..VTZTLDH#-NHTB #,-0290C#-005-1#-CFN-100-30C OPC.#
938 TERM CP LINE 004 NO RESPONSE TO TSC
HS 14.#-BUY# 50.ANG...36C#-GTC#...4623-1-T#.#-NOL-200-040969-0939-
57 TAB 19 HQ 040969-0939 # MCCARTHY RE BK 705# IN CK PAID PLS ADD# \$416897161200 COMPUTER FAILED# PICK UP DOLL
AR SIGN#-PLS ADJUST# THNX WHITE HQ# #
938 TERM CP LINE 004 NOW RESPONDING
127 GTC 4C US 040969-0939 # .Q# FOUR SEASON EQUITIES STEVE-US#-#
12 SX 401.CCAP 040969-0939 # SX KAB 13
40.SVR.401.CCAP.040969-0939.#.SX KAB 13
21 SF 8 EG 040969-0940 # BUY# 500 BOHEMIA LUMBER 44 # GTC # 2718-1# 500# \$
939 TNBR BG IN 0001 OUT 0003 ORD 0005...
3 ON 30 BRM 040969-0949 # ALL WIRES# RE COCCA LOOK FOR ANOTHER QUIET DAY DUE UNCHANGED TO # POSSIBLE 25 DOWN DFP
ENDING ON ORDER.# RE SUGAR LONDON HIGHER WE DUE 3 TO 5-HIGHER# DOYLE BRM#
46 CGE 42 FL 040969-0939 # SHYTHE RE BARTEP CO IS GO TO ISSUE FINANCIAL STMT# WHEN THEY DO SEC WIL ALLOW TRADING
U CAN DO NOTHING. AS U CANT..BUY. IN A SUSPENDED# STK.-RM..FL#.#
12R CBN 19 SM 040969-0939 # BGT 6/88# WGE 67/86# N Y TELEPHONE 42/91# SM# \$
65 BND 20 NB ORD 040969-0939 # BUY# 2M LTV 42-92 65# GTC# 5608-2 NB# 2M# \$
47 CGE 21 HQ 040969-0939 # MIKO RE 41-7435-1# LONG 100 KING BROS# INDUST# INC CAN U PLS EXCHANGE# FOR 100 MAC
RDYNE# PLS AD# THNX WHITE HQ# #
129 GTC 38 EV 040969-0939 # QEN SIMPLEX LOCK# ASSOC DEVEL & RES# EV# \$
50 STA 15 BL 040969-0941.#-ESH RE..OPM 4-8#..AYS GCES SL-100 CTR 44C..CXL 45..XDM..JIM..BL#-#
7 RA 27 WRA 040969-0947 # RE YOUR ORDER TO BUY# 10# IOWA ILL G AND E 7C- OF 99 101 ETC# QTED 101-# \$
66 BND 23 DU 040969-0939 # .BUY# \$3000 GMAC 5 1980 B1# GTC# CXL \$4000 81# GTC#-4098-1T# \$3M-81# \$
67 BND 1 KM 040969-0939 # BUY# \$5M GMAC DEBS 49 OF 79 MKT# 5177-1# \$5M MKT# \$
PX 38 # BUY# 50 INA MKT# 4373-1.# 50 # # NOL 201 040969-0939
22 FND 23 BT 040969-0939 # PHIL FND RE 4651-1 CUST WANTS GEORGE PUTNAM FD SHIPT# TO ROUTE 3 BOX 418 BARTLESVILLE
OKLA.74003.#NAME OF MISS# MADELINE ANN.URANECK-29.EAST-WILSON.APT-402-MADISON#-WISCONSIN-53703-OUR-RECEIVING REPORT..LIS-
T ONLY 15 # SHARES CTF NBR 202670 DO
NOT.KNOW ANYTHING.ABOUT..16 # SHARES CUD YOU ADV IF CTF-WAS..16 SHARES..IS SO.#-SHIP-16.GEO.PUTNAM FD JK. BT # #
22 PT 407.CCAP 040969-0941.# PT KAB 27
10 WRS 30 TL 040969-0939 # H.E, MARTONE WRS# RE MISS PAMELA PHILLIPS# WE ARE..A.LITTLE.OVER-STAFFED AT MOMENT. HOW
EVER THIS COULD# CHANGE OVER NEXT FEW MONTHS, CANT PROMISE ANYTHING AT# MOMENT BUT HAVE HER CHECK WITH MYLIUS OR MYSELF
IF SHE..IS# DEFINITELY GOING TO BE..IN
SEATTLE AS THERE MAY BE# OPENING, BARNET TL# #
HU 19 # .SL# 25 CIG.PRA MKT# DAY#..4186-1# NOL.202 040969-0939T
58 TAB 20 FX 040969-0939 # JEN # RE 9801-1# WE FOT AFORE HENITCHED MMS OK PLUS# ADDL TRADES OF SOLD 300 AVNET 21%
CASH SOLD 100# AVNET 21% REG WAY SOLD..100 AVNET..21% CASH AND 50 AVN#..AT..21...THESE-TRADES..I..D..K..FROM.WHERE THEY.CAME#..PL
S SEE THAT ONLY TRADES ON WIRE 19 GO
THRU.SETTLEMENT# DAY OTHERS..ARE..WRONG#..J..FX#.#
PL 12 # .SL# 50 NNA RT MKT# 3175-1 # 50 # # NOL 203 040969-0940I
23 FND 16 BL 040969-0943.# WEHMEYER#..PLSE CALL..MRS.PIERCE.C.ASK..HER..TO..CHANGE..ADDRESS..ON..#..AXE-STK-ACCT..E-3929-093
0 N/O HOFED PROCESS PRINTING# ETC TO 1026 VENICE SAME CITY & ZIP TNX# MIDGLEY BL# #
WM 16 # BUY# 100 CGI.12%#..6254-1#.#.#.XW.65 040969-0940G
9 NYC 3 KM 040969-0940 # SELL 10 MAINE POTS PAY 350 CB# 1414-9# 10 350 OB# \$
104.CRD 5 TE.040969-0939.#-RICHIE-RE.ACCT.9804-#-HAVE.PYMT.FOR.EEE.ON.INVEST#..FUNDING..CORR.J..MARGE.TEN.#
15 BO 60 WRC 040969-0941 # RAY BO RE 691704-2 REPEAT ACCT SHOWS CK PD 4-7 FOR 300,00# PLS ADV REASON# MORRA CRCS
KY.3.#-SL# 100 SCN MKT# 2520-1#..100#..AV 36 040969-09390
17 SX 1 # .SL# 100 CGI.12%#..6254-1#.#.#.XW.65 040969-0940G
17 SX 1 # .SL# 100 CGI.12%#..6254-1#.#.#.XW.65 040969-0940G

Ch. Pl. 10 of marked
at direction of R. Hallett
on 3/29/77

Pl. Ex 108(k) marked
at deposition of R. Mallett
on 3/29/72

A 370

EXHIBIT B--COPIES OF 30 MESSAGES RELATING TO REQUEST
FOR PRICE OF BARTEP STOCK BY DEFENDANT'S OTC DE-
PARTMENT ANNEXED TO AFFIDAVIT OF MICHAEL J. MC ALLISTER

01111017 ALSO U MUST SIGN THE PRINTER PLAP AND SEND TO NY DANIEL GRON R

00291017 38 DC 114 WRD 121768-1017 # ANITA DCN 8611-1 OKP 11,00# 9843-1 OKP 5520,80# 9844-1 OKP 4
28,25# JAB CRD

00291017 # #2

01741011 268 QTC 5 WH 121768-1011 # QTE BIG HORN POWDER RIVER# RAW WHS

00881011 19 PX 82 BRH 121768-1011 # RE YR 28# BUY 3M FLORIDA TURNPIKE 40-2001 92# QTD 92-3# JQT BRMS

01381011 DS 28 # BUY# 500 GFI 12# DB NH# 9804-1# 500# # ASE 333 121768-1011\$

01061013 10 QP 14 XW IGN 121768-1013 # YB 30000 OPENED AT 50# CEF \$

01561011 49 EXT 11 AV 121768-1011 HT # SLD 500 POM 20 # 4576-1# WAL-2 WD-3#S

00161013 8 BX 64 WRH 121768-1013 # RYM RE B 100 LOG 14# ACCT 69-1024-2# FAYS VITAB# \$

00151013 12 BT 66 WRH 121768-1013 # AMY RYM RE SLD 90 CDA 157# ACCT 2962-1# SHUD BE 4610-1# FAYS VIA TA
B# \$

00661011 16 LD 97 WRA 121768-1011 # SLD 300 MEYCOM INC 4# # 0421-1 \$

00651013 67 LA 48 PT 121768-1013 # LA Q GENGE INDUSTRIES# COASTAL DYNAMICS# LMBPTH# \$

* 01741011 269 QTC 36 LD 121768-1011 # QT BARTEP IND# GRD IN TO SL AT 6# TNX C HAG LDH \$

01381012 TO 33 # SL# 50 TST MKT# 1898-1# # ASE 334 121768-10128

01971012 76 HEND 22 BY 121768-1012 # BUY# 1000 VRE 24 # GTC# 1000# \$

01121012 18 RB 27 WB 121768-1012 # B 2 MAY POTS 341# ON 342 LT OPEN# 4889-9\$

01851020 12 WRB 1 CMX 121768-1020 # SOLO 1 JAN EGG 4150 MKT# FA 3103-9# \$

01561011 50 EXT 25 AN 121768-1011 CJ # SLD# 100 TGT 32- # MAB\$

01281012 15 WA 714 CCAP 121768-1012 # WA KAB 14 THRU 15

01821013 77 TAB 52 CN 121768-1013 # PARENTE RACE DID U GET MY LONG WIRE ON TRADES# MADE FOR 90-0049-1 PLS A
DV PENN# \$

00201013 15 CJ 28 AN 121768-1013 # SLD# 100 RCA 48# GTC.P\$

00781107 36 OH 169 WRD 121768-1107 # PHIL # 12-16 SLD 100 UP PFD 11% 4204-1W 1150, 18.50 3.75 .03
 1127.72# FRAN
 00781107 K TAB# #
 01181111 44 SN 133 ZB 121768-1111 # BOT 100 UEP 22% SN-8355-1 \$
 01561106 713 EXT 58 AB 121768-1106 HU # BOT 100 TRB 9% Q MKTN 9522-1W \$
 01671107 432 QTC 74 LD ORD 121768-1107 # SLN 2000 COAST TO COAST INC 1-# LD 7204-1 RCA 2000# \$
 00571106 57 KW 57 CY 121768-1106 # SOLD 1 FEB STEER 2840# 88-0831# \$
 01991106 106 TERM PT LINE 018 NO RESPONSE TO TSC 3
 00411107 68 FF 1061 CCAP 121768-1107 # FF REJECT# BAD ORDER QUANTITY# KAS THIS NUMBER# NRL 124 FF# BLYN 25 C
 RR PR 37# 2054-1
 00411107 #
 * 00661106 42 LD 0 WRG NS 121768-1106 # HCN# BARTEP IND 5--6%
 01561106 714 EXT 131 AN 121768-1106 SHD # SLDN 100 ONG 23% SH 114# MJH\$
 00291108 94 DC 0 DC NS 121768-1108 # SLN 1700 BAW 37 # CXL 37# 0001-1 RCN 1700# OBN \$
 01021108 18 OL 0 PK NS 121768-1108 # MORE RE MORNING MINING LIST# IND LEAD 240-250# COEUR D ALENE 12-13# CO
 NJ 120-130# CAL
 01021108 CON 46-53# GOLD PLACER 2-220# WESTERN GOLD 45-55# NANCY LEE 360-375# YAK SHOS 160-170# JOE DANDY 12-
 15# AMERICAN 3-2# PK# .#D
 01641106 PX 99 # BLYN 35 OXY 45 # 1578-1W 35# NOL 374 121768-1106-
 00051106 KY 91 # BUYN 200 WBC MKTN 0054-1W 200# AM 241 121768-1106S
 01811106 269 SVR 1056 CCAP 121768-1106 # CP KAS 52
 01741107 447 QTC 133 KC 121768-1107 # QTE LOFT CANDYN JLKCN \$
 00061107 RB 72 # BUYN 200 Y MKTN 2820-2# 200 TN # AN 187 121768-11070
 00000000 00 OH 1001 CCAP 121768-1100 # RV KAS A1

091834

13/17

01821337 HN NE

00291336 175 DC 273 WRH 121768-1336 # ANITA RE 2544-1 OKP 1796,51# SUE CRD# \$

01221339 220 TL 407 AB 121768-1339 # BOT 100 CIG 24# GTC# 1793-1# \$

01381336 PS 145 # SL# 100 APL 24# 1001-1# 100# # ASE 1193 121768-1336

01161337 132 SF 395 AA 121760-1337 # SLD 100 PRV 80# GTC# SF 49# \$

01741336 730 QTC 107 LD 121768-1336 # QT BARTER INCN TNX C HAG LDM \$

01671336 767 QTC 130 CL ORD 121768-1336 # SL# 106 A J ARMSTRONG CO INC MKT# CL 1513-1# \$

HU

01471336 64 CMX 192 PT 121768-1336 # SELL 1 JAN EGGS 4130 STOP# GTC# 1702-90 CFN 1 4130# \$

01811336 590 SVR 1792 CCAP 121768-1336 # WB KAB 124 THRU 126

00081336 DC 207 # BUY# 200 PP 24# 7411-2# 200# # AV 385 121768-1336

01221338 219 TL 86 KM 121768-1338 # MEL# WHAT HAPPENED TO UNIFLITE UNDERSTANDS ITS 15# BUSCH KM# \$

01991336 336 TERM KM LINE 017 NOW RESPONDING

01991337 337 QUEUE STATUS NO QUEUE WITH OVER 09 MESSAGES

01741336 731 QTC O PA NS 121768-1336 # RICH# RE MY 72 SLP 1500 WASH SCI AT 12# SHUD BE 150 SHS# NOT FIF

TEEN HUNDRED# SHUD

01741336 BE 150# PAN #U

01341336 NB 45 # SL# 100 BC 19 # 3037-1# # XH 445 121768-1336C

01171337 91 SM 396 AA 121768-1337 # BOT 100 SCT 4# SM 127# \$

01341338 BL 108 # SL# 100 CEA MKT# 50 CFF SALE# 7630-1# 100 & 50# # XH 446 121768-1338

00291338 177 DC 509 WRA 121768-1338 # SLD 500 CLSTEN CORP 29# # 6532-1 \$

00101341 46 BG O WRH NS 121768-1341 # RE YOUR MSG RE NYR 1# RE 200 PAYLESS DRUGS NW 35-# \$ 76-1228-1

443140

12/17

01821337 HN NE

00291336 175 DC 273 WRH 121768-1336 N ANITA RE 2544-1 OKP 1796,51N SUE CRDN S

01221339 220 TL 407 AB 121768-1339 N BOT 100 CIG 24N GTCN 1793-1N S

01381336 PS 145 N SLN 100 APL 24CN 1001-1N 100N N ASE 1193 121768-1336

01161337 132 SF 395 AA 121768-1337 N SLD 100 PRV 80N GTCN SF 49N S

01741336 730 QTC 107 LD 121768-1336 N QT BARTEP INDN TNX C HAG LDN S

01671336 767 QTC 130 CL ORD 121768-1336 N SLN 106 A J ARMSTRONG CO INC MKTN CL 1513-1N S

HU

01471336 64 C 192 PT 121768-1336 N SELL 1 JAN EGGS 4130 STCPN GTCN 1702-90 CFN 1 4130N S

01811336 590 SVR 1792 CCAP 121768-1336 N WB KAB 124 THRU 126

00081336 DC 207 N BUYN 200 PP 24N 7411-2N 200N N AV 385 121768-1336

01221338 219 TL 86 KM 121768-1338 N HELN WHAT HAPPENED TO UNIFLITE UNDERSTANDS ITS 15N BUSCH KMN S

01991336 336 TERM KM LINE 017 NOW RESPONDING

01991337 337 QUEUE STATUS NO QUEUE WITH OVER 09 MESSAGES

01741336 731 QTC 0 PA NS 121768-1336 N RICHN RE MY 72 SELP 1500 WASH SCI AT 12N SHUD BE 150 SHSN NOT FIF
TEEN HUNDREDN SHUD

01741336 BE 15CN PAN WU

01341336 NB 45 N SLN 100 BC 19 N 3037-1N N XW 445 121768-1336C

01171337 91 SM 396 AA 121768-1337 N BOT 100 SCT 4CN SM 127N S

01341338 BL 108 N SLN 100 CEA MKTN 50 CFF SALEN 7630-1N 100 & 50N N XW 446 121768-1338

00291338 177 DC 509 WRA 121768-1338 N SLD 500 CLSTEN CORP 29N N 6532-1 S

00101341 46 BG 0 WRH NS 121768-1341 N RE YOUR MSG RE NYR 1N RE 200 PAYLESS DRUGS NW 35-N S 7E-1228-1

12/19 01821011 43 TAB 61 DT 121968-1011 # FRANK TAB COA 500 P 72 SLD 11-17 3623 SHOU BEN 250 FOR 3623-1 AND 250 FO
R 3044-1 AMY BT#

01821011 #V

01741011 232 QTC 36 LD 121968-1011 # QT CARTER INDW TNX C HAO LCN \$

00881012 17 PX 85 WRD 121968-1012 # ROCK PX# CASH DU TOA# 1204 12 200 27# 1291-13 321,74# 2765-83 155
104# 2857-18-75

00881012 94750# 2861-42-1592786# 3023-78-1034,00# 3196-40-613,00# TCH CRD# .WK

01821011 44 TAB 44 PL 121968-1011 # SUSAN # COA 12 16 SLD 105 THE 10 AND 10 0862-1 # SHOULD GO 3165-1 #
EVELYN PL# \$

01971011 119 HEND 19 NH 121968-1011 # SL# 600 CUD 6# GT 12 31 68# 0183-2# 600 6# \$

00301011 29 DE 84 WKC 121968-1011 # ROSE # LD DUE YEST 1100-1 YOU WIRE DID 12/17 SAID YOU HAD # COLLECTED PL
\$ ADV WHICH DAYS B

00301011 NK RUN IT WAS ON AND WHY # IF IS ISNT ON YET THX # RJC CRD #

01991011 011 TERM BL LINE 015 NOW RESPONDING

00071012 13 AR 0 WRC NS 121968-1012 # KENTURKCY FRIED CHECKIN 48-9\$

00261011 38 34 FL 121968-1011 # Q ARABIAN SHIELD# \$

01741011 233 QTC 62 DT 121968-1011 # Q FIRST OKLA BANGCRP MAX BT# \$

01801024 59 STA 24 GX 121968-1024 # RE 15 TDY # SLD 200 HSF 226 # 319-1 # OK ADV # \$

01991011 011 QUEUE STATUS NO QUEUE WITH OVER 09 MESSAGES

01561011 36 EXT 8 AV 121968-1011 HQ # SLD 100 AG PR 29 # LFHH LFH # \$

00721011 8 NH 85 BRM 121968-1011 # MCCOY# RE BRANCH INDUSTRIES, SORRY NO RE INDICATIONS ON OFFG AT 17# JACK
TAYLOR\$

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0561732

01640928	MT 15 # SL# 20 GM MKT# HT-0316-1# 20# NOL 141 010369-0928
00640929	3 KY 23 WRJ 010369-0929 # AER RE 3868-1 AS OF NOW SHOWS LONG \$5,000# COMM, & CREDIT 4% PCT 77 MAR D OES THIS# BELONG
00640929	IN 3865 PLS ADV AND THX SFMP CRD# #D
01670929	10A OTC 5 CN ORD 010369-0928 # SL# 5 REALIST MKT# DAY# 90-2295-1# 5# \$
01380927	TL 23 # BUY# 100 LGY 11# DAY# 6189-1# # ASE 142 010369-0927#
01970928	19 HEND 6 WL 010369-0928 # SL# 700 SWX 27% STP# 50 OFF SALE# GTC# 9817-1# 700 & 50# \$
01380928	CN 6 # BUY# 25 AWT MKT# DAY# 9890-1# 25# # ASE 143 010369-0928
01500928	49 CRD 17 RX 010369-0928 # NURSE 69-8094-1 PLS CHGE ACCR 2.00 PREPAY INT RAY BO# \$
00640928	5 GX 19 WRJ 010369-0928 # BOB RE 8639-2 FEOL CALL \$1411.00# DUE 1/8 MAEH CRD# \$
01760928	115 OTC 15 FL 010369-0928 # PERMA SPRAY# IMPERIAL PAPER# BARTEP IND# \$
01670928	107 OTC 7 PL ORD 010369-0928 # SL# 500 WORLD WIDE REALTY 4 # PL 8403-1 # 500 # \$
01640928	MT 16 # SL# 10 GIS MKT# HT-0316-1# 10# NOL 142 010369-0928
01760928	FL 25 # SL# 100 BC 18# DAY# 6038-1# # XH 38 010369-0928Y
01670928	108 OTC 23 CJ ORD 010369-0928 # BUY# 5 M TSY BILLS 2-28-69 MKT# 1232-1# 5 M# \$
01510929	25 CSC 11 GX 010369-0929 # HIG # RE MSG 300 TX YES FOR HUH SR # BOB # \$
00640929	6 GX 20 WRJ 010369-0928 # BOB RE 8375-1. COLLECT \$5.00 SVC CHG ON# REDEMPTION OF 2M TSY BILL THX MA EH CRD# \$
00050929	RTPA US 20 # SL# 300 HIS 29# 1426-1# 300 # # AM 61 010369-0929
00040929	5 OD 0 CSC NS 010369-0928 # ALL WIRES# ROI NOW IS TRADING ON NYSE # ED CLOSE STA ASE# \$
00760929	TL 26 # SL# 100 RST 13 # GTC# 4025-1# # AN 51 010369-0928
01070922	19 HEND 18 PX 010369-0932 # SL# 500 SBN 5# 2244-1# 500# \$
01140930	11 SF 24 WRD 010369-0930 # LARRY SF# RE BOT 10 EN 69 7329-1 ETC# ADJTD 12-27 RICH TAB# \$
00500920	11 KC 9 WH 010369-0920 # CAROL RE 86-1511-1 OUR NOV STMT SHOWS 50. EATON AND HOWARD. COLLECT

1421222 45 CRT 73 HS ORD 010369-1222 # SELL 5M MAY WHEAT 137% DAY# CXL 135% STP# GTC# 5406-9# 5M-137% \$
 1191210 170 NC 305 AA 010369-1219 # SOLD 100 CHO 11% NC 196 \$
 1401219 45 PDS RO FL 010369-1219 # SAM RE ACCT 10-3085 NORTON# IRS SHD READ# 152-01-8556 JC EL# \$
 1401210 53 GX 314 AK 010369-1219 # SLD 51 SGN PRCL 41-# 1732-1# \$
 1561218 1893 EXT 152 AV 010369-1218 KC # SLD 100 UAL 42% B10\$
 1641218 UX 235 # BUY# 70 NFG 29# GTC# 70 29# # NOL 702 010369-1218
 1591210 159 KC 315 AK 010369-1219 # BNT 10 TWA 43% ON 44# 5068-1# \$
 1561218 1804 EXT 208 AA 010369-1218 SF # SOLD 200 CRE 9% 69-1 \$
 1511222 60 CSC 0 KC NS 010369-1222 # CSC RETRIEVE 161 PLS 1 TORE THE DARN TNG JH KC # \$

1741210 621 QTC 6P LD 010369-1219 # QT BARTEP IND# TNX C HAG LD# \$
 1181210 69 SN 300 AA 010369-1210 # SOLD300 VIC 15% MKT# 2083-2 \$
 1561218 1895 EXT 299 AA 010369-1218 HS # SOLD 1000 CHO 11-# ON 11% LT# 6062-2 \$
 1801222 230 STA 3# CO 010369-1222 # MIDWEST STOCK EXCH # QUOTE BRIGGS MANUFAC CO # WILSON CO # \$
 00061218 CO 236 # BUY# 100 CBS 52% GTC# 100 52# # AN 317 010369-1218G
 01001210 25 WRG 120R CCAP 010369-1219 # WRG REJECT# HEADER FORMAT ERROR# LS 0 WRJ NS# RBR # TEXAS EASTERN TR
 ANS 7-88 94-96 HO
 01001210 #
 10991218 218 TERM PT LINE 018 NOW RESPONDING
 1911218 345 SVR 1206 CCAP 010369-1218 # US REJECT# HEADER LENGTH ERROR# QBN 128 US BOND DEPT ORDER ROOM RE U
 S RTP 270 WRA SOLD
 01911218 # 25M MAL 4-03 100 OPN WHAT ARE YOU MATCHING T

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11/27

01640926 PX 24 # BUY # 25 GRA 44% # 9821-2 # 25# # NOL 145 010769-0926

01820926 39 TAB 27 LS 010769-0926 # COA 1-3 SOLD 500 LH 48 94-5665-1# SHLD BE 300 SHS 94-5665-1 & 200 SHS 94-3290-1# GUS LSH #

01820926

01280926 2 WA 20 WRF IGN 010769-0926 # SLD 5 EQU 8 # AS OF 1/6 - CPT BUST# HA=1451-1s

01380926 PA 23 # SL# 700 EKR 12%# 0571-1# 700# # ASE 161 010769-0926

01740926 143 QTC 12 FL 010769-0926 # ARNIE PLS QTE BARTEP# IMPERIAL PAPER# INTL FLIGHT CATERERS#

HU

00810926 6 PB.15 WRE 010769-0926 # ER LEGAL TFR OK # 50 SOUTHERN PACIFIC CO 65-1605-1 # 40 THE CLEVELAND ELE C ILLUMINATED 65

00810926 3825-1 SCHWARTZ CGE#

01340927 NH 5 # SL# 100 AT HKTH GTC# NH 4937-2# # XH 50 010769-0927N

01970926 27 HEND 23 PA 010769-0926 # SL# 700 EKR 12%# 0571-1# 700# #

01740926 144 QTC 22 PT 010769-0926 # WHITEHALL CEMENT POTTERF PT# #

01740926 145 QTC 15 HQ 010769-0926 # PLS QTE# LIBYIAN MERCURY PETROLEUM# AHNDLED BY PLYMOUTH SEC OF NY# HQ# #

01740926 146 QTC 23 PT 010769-0926 # CARRERAS LTD B PHIL PT# #

01670926 100 DTC 25 PX 010769-0926 # SL# 25 MURPHY PACIFIC MARINE 22 # 0762-2 # 25# #

01640926 CD 40 # SL# 50 BOK 33# 50 33# # NOL 146 010769-0926E

01380927 FF 15 # BUY# 100 BFD 9-# 1471-2# 100# # ASE 162 010769-0927#

01561027 231 CAR 21 RD 011469-1027 # SLD 100 G 23 # ON # CAN
 01411028 67 BRM 49 WRJ 011469-1028 # GATON# AUDIO-FIDELITY RECORDS 42-3-3
 01871046 8 WRD 987 CCAP 011469-1046 # WRD REJECT# 16 TWICE# GX 16 WRD# SCARR GX# 8-22-66# 8-22-66#
 01871046 15:78# MASS TRUST 1487-16,25# JE
 01811028 172 SVR 871 CCAP 011469-1028 # AM REJECT# DK WIRE CODE# A 44 AM# SLD 100 G 23 # ON # CAN
 01991027 027 TERM JB LINE 005 NOW RESPONDING
 00131027 47 BO 8 AK 011469-1027 # SLD 20 GEN 39 # 2575-13
 01561027 258 EXT 56 ZB 011469-1027 CJ # BOT 100 F 51 # GTC 3LT# CJ-1708-25
 01931027 23 WRS 50 FL 011469-1027 # MES RE 5989 AND 5993 WISH U WUD LOOK INTO THIS# CAN GET NOWHERE LOSE H
 AS LETTERS AND STO
 01931027 RY THX RM# #F
 00191027 49 CD 64 AA 011469-1027 # SLD 100 TTC 262# CD 115# S
 01561027 259 EXT 64 AA 011469-1027 CD # SLD 100 TTC 262# CD 115# S
 01741027 349 QTC 51 FL 011469-1027 # ARNIE# BARTEP IND# INTL FLIGHT CATERERS# IMPERTAL PAPER# S
 01991027 027 TERM JB LINE 035 INTERCEPT START 0012 PRIOR# ITY
 01671027 327 OTC 55 CL ORD 011469-1027 # BUY# 50M TSY BILLS DUE 4-10-69 6,10 BASIS # CL 3031-1# UB# 5CH# S
 00011027 7 AA 45 SM SP 011469-1027 # AO 1/13 RPT TO SL# 100 GYK 14# DAY# SN127 ENT0 12719# SN# S
 01801027 71 STA 42 SM 011469-1027 # VINCENT ASE# RE OPEN CFMS AS OF 1-7 ON ADD SELL# 200 WPT 13# WAS EXECUTE
 D ETC# WE KNOW IT#
 01891027 JIM SM# #N
 01501027 184 CRD 43 FA 011469-1027 # DANIELS CHIEF# BP 2874 VOF FAS

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21 SF 17 WRH 012169-0922 # BOB RACE # RE 48-0011-1 DEL 9-4 300 AMER HOME PROD# CTF 571279 NAME OF HUA
 CTF 350352 NAME OF CRELLIN FITZGERALD CTF 350353 NAME OF CRELLIN FITZGERALD EDK CROW #
 7 TL 23 WRH 012169-0924 # WHITE RE 300 SHRS SILVERTOWN MINES ACCT NBR IS 70-9937-1N SHRT 30C SHRS PLS SEND
 STK TO MY ATTN# ICA CGE# #
 RTR44 EG # WRG NS 012169-0922 # CARY# M 64-88 # OP 8744 M 8744 L 8844 L 8844 183--05
 14 BHM 6 LD 012169-0925 # JFB# RE CHARLES MCSTROM HAS CONTACTED FORMER PARTNERS# SCHEFFMEYER & CO ASKING RELEASE
 OF FUNDS# SO HE CAN PAY MRS. HART# SO FAR HE HAS PAID NO INTEREST AND NO PRINCIPAL # I WILL CALL U WHEN HE GIVES ME THE AN
 SWER# YKS JJS LDR #
 17 FND 5 WA 012169-0924 # # BUY # 100 ENTERPRISE FUND MKT # # 17-1079-1N \$
 82 CTC 30 RD 012169-0922 # SL # # 110 TASTY FREEZE 14% # # FOK # # 9091-1 # # 110/14% # # \$
 17 CHW 26 RB DRD 012169-0922 # BUY# 3 CO MKT# 5080-1N 3N \$
 17 CN 2 WRC 012169-0922 # ROONEY CN PLS DISREGARD MY WIRE RE EXTRA HELPN# CHARGES FOR CN 1 CN 2 AND CN 3 THANKS# S
 EIF WRS#
 HU 26 # SL# 50 LKS MKT# 0850-1N NDL 112 012169-0922H
 14 CD 0 WRG NS 012169-0922 # IN YA OPN YOU FL# OUT SELL# 6K PC 498 600# BNYZLA 0 WRG NS# OCEANARIUM# BNYS
 15 OTC 13 EL DRD 012169-0922 # BUY# 100 UNITED MC GILL 16# 08# EL 9049-1N 100N \$
 110 QTC 18 DF 012169-0922 # QTE # CAROLINA PACIFIC PLYWOOD # XXXXXXX MIDLAND COMPANY # BRUCE DFS
 05 1 # BUY# 300 TRW 40# 2028-1N 300# # AN 39 012169-0922L
 10 CJ 13 WRC 012169-0925 # JONES# 25-3596-1 LONG WACHOVIA BK AND TR EXGE FOR WACHOVIA BK AND TR NA 1 FOR 1 SHR B
 ASIS COMMON STK# PLS ADV SAP# ICA CGE#
 18 CHW 27 RR DRD 012169-0922 # SL# 2 IBM MKT# 3495-1N 2 IBP# \$
 111 OTC 7 FL 012169-0922 # ARNIE BARTER IND# THX COWAN# \$
 84 OTC 12 WM 012169-0923 # SL# 100 PIEDMONT AVIATION MKT# 1894-1N \$
 112 CHW 25 BRM 012169-0922 # FLORIDA GAS SUB DEBS 5S 8-1-68# STONER BRMS
 113 OTC 19 DF 012169-0922 # QTE # MELABS # JET AVION # DICK DFS
 CS 2 # BUY# 300 TRW 40# 2028-1N 300# # AN 40 012169-0922
 4 WRH 482 CCAP 012169-0923 # WRH KAB 18
 CL 33 # BUY# 100 APY 15# 3935-2N # AM 45 012169-0923-
 49 SVR 482 CCAP 012169-0923 # WRH KAB 18
 9 PA 0 WRG NS 012169-0923 # WAS AHLE TO BUST THE 6 SHS# WEBB RESOURCES AT 16-# COMPLETE BUST# SANDYS
 114 OTC 8 FL 012169-0922 # ODA PENOS RACE PAN ALASKA FISHERIES# \$
 19 PT 14 WRC 012169-0925 # SPI 6081-1 T AS OF 1-20 BOT 5 STF PRA 45 # FIGS 269,88 6,00 ,17 NET 273,CS# JIM TABS
 RTR43 PA 2 AB 012169-0930 # NOTHING DONE AD 1-20# RE SL 200 MOT 8 # NBR 14 ENTO 9,23# ASE# \$
 CP 2 # SL# 300 AMX 54# 1697-1N 300 54# # AN 41 012169-09241
 115 CTC 39 CL 012169-0925 # QTE ROCKY MOUNTAIN NATL GAS CL# \$
 19 PCX 13 WM 012169-0923 # BUY# 700 UTC MKT# 796-1N 700 \$
 39 TAB 20 DF 012169-0924 # RICHIE # RECD INVOICE 1/20 BOT 100 STERLING PRES CORP 15 # ACCT 3155-1 ORDER AND RE
 PORT SHOW TO SELL 100 SARH GENT INDUSTRIES 15 PLS AJ AND CFM INVOICE INCORRECT # TNX # SARAH DF#
 CL 31 # SL# 28 L MKT# 1213-2N 28 LN # NJL 113 012169-09224
 HU 27 # SL# 50 SX MKT# 0850-1N NDL 114 012169-0923\$
 7 GX 20 WRH 012169-0923 # BOB RE 9967-1# HAS UNSECURED DEBIT BAL# 262,50 WE DELD 50 MID CONTL CORPN TO YOU
 R ON 11-4 WHEN WILL YOU COLLECT# 262,50# ADVN MAEH CROW #
 24 STA 30 FX 012169-0925 # DUMN ASE# RYH FAIL TO ADD SELL# 100 SYG 17# OUR 48# PLS CK YSTY# AS I RECD FOLLOWING
 # NBR 199 FROM AB WIRE# SLD 100 SYG 17# FX 48# AND NBR 367 FROM AA# WIRE SOLD 100 SYG 17# FX 48# WAS ONE OF THESE A
 CUPEN ADV THX# J FX# #
 23 STA 31 PD 012169-0923 # ON ASE RACE 10TH REQ # OUR 35 YESTDY 1-20 BUY 80 ART MKT 1018-2 U ONE US REPORT # OUR
 166 SL 100 CST 14 2079-1 ANYTHING # DONE STOCK CLOSED 14 ADV JIM # #
 7 FA 4 WRA 012169-0925 # BUY# 500 PUBLIC LEASING MKT# # HU ERROR# REPORT TO OTC NY# 500# \$
 45 OTC 32 CL DRD 012169-0923 # BUY# 20H TSY 54 2-15-75 MKT# DAY# CL 0011-1N 20H# \$

033 Q 36 253-1 97 0-110
 NB 20 # SL# 100 NR 41# GTC# 4421-2# N AV 183 012169-1033
 RA 42 # BUY# 100 ALS 35% CXL# 36-# 8504-1# N XH 186 012169-1034S
 54 BO 7 AK 012169-1033 # SLD 50 AT 37% 9212--# 1# \$
 LS 98 # BUY# 10 IDH MKT# DAY# 4GL5-1# N NOL 374 012169-10340
 73 EDP 89 2R 012169-1033 # SLD 200 IMD 39# GC-3754-1#
 399 EXT 36 AC 012169-1033 LY..# SLD 20 ALA WS 18# 3089-1# \$
 20 LY 47 AC 012169-1034 # SLD 30 PSA WS 15 # 3219-1# \$
 400 EXT 89 2B 012169-1033 EDP # SLD 200 IMD 39# GC-3754-1#
 92 WRS 97 LS 012169-1034 # JAD IN OCT 67 ACCT 5645 WAS LG 25 RAMADA INNS AND WE OO INN ERROR TO ACCT 6465 TRACED
 IT DOWN. C. CUST. HAD. SLD. SAME. WE DOT 25 SHS INTO 6465 AND REC HIS CK TOY FOR PCHSE PLUS# 8.50 FOR FOUR DIVS CAN T ON MY
 RLCITE# SHO 25 FM HINW TO 5645 C BRIN
 G IN 3.50 ACCT DIV# CRIC LSH #
 PS 41 # SL# 100 DYN 19# 1233-1# 100# N ASE 288 012169-1034
 385 QTC 26 LD 012169-1033 # Q PLS BARTER IND# THX C HAG# \$
 29 DE 89 WRH 012169-1034 # ROSE RECD PKG 1 AND 2 DTD 1-17 M BOYLE CGEN \$
 034 TERM. CTC LINE 091 NO RESPONSE TO CDC LINE XM IT DOWND
 74 EDP 70 2A 012169-1033 # SOLD 100 UK 44# N PX-1731-1#
 401 EXT 37 AC 012169-1033 PS # DOT 100 ALK 11# 1720-1# \$
 63 CP 0 RX NS 012169-1033 # CHAS WHAT R ALL THOSE RPTS FOR U GUYS HAVENT DONE TT MUCH# BUSINESS IN POSTHS# \$
 CH 52 # SL# 100 UAL 49# 50 MKT. SAME. SALE# DAY# 2661-2# 100650# # AV 184 012169-1035
 CH 51 # SL# 500 UP PR 11-# DAY# 2241-2# 500# N AM 174 012169-1035E
 48 PX 0 SHC NS 012169-1034 # EILEEN PX -- ADDED TO ASE# 10/11 -UNT- UTD NATL INVESTORS CORP# 10/11 -UNT PR- UTD
 NATL INVESTORS \$1.00 CV PREF# ED S SHON #
 402 EXT 70 2A 012169-1033 EDP # SOLD 100 UK 44# N PX-1731-1#
 75 EDP 90 2B 012169-1033 # SLD 100 NLC 58# EG-1417-1#
 403 EXT 24 AD 012169-1033 PD # SLD 50 REI 26# Q MKT# 65-3925-1# \$
 83 WRS 52 KY 012169-1034 # J F BURNS # ARE YOU IN FOR A CALL # ACS KYS
 33 PB 39 AC 012169-1033 # DOT 200 KJ CT 16# 65-2760-2# \$
 404 EXT 90 2B 012169-1033 EDP # SLD 100 NLC 58# EG-1417-1#
 15 BY 151 WRJ 012169-1034 # KLOOF GULD MNS 7#-# \$
 386 QTC 100 LS 012169-1034 # KEWANEE SCIENTIFIC# PROFESS. CNAL GOLF RBA LSH \$
 CC 56 # BUY# 100 FA WSN MKT# GTC# 6912-1# 100# N AC 315 012169-1033S
 76 EDP 71 2A 012169-1033 # DOT 300 LT 68# N 03-0100-0#
 405 EXT 38 AC 012169-1033 EL # DOT 12 GCN 42-# 3136-1# \$
 59 RCH 61 FL 012169-1035 # ASK FOR OPIN ON BATH INDUSTRIES RECD NO ANS PLS# REPLY THX GORDON# \$
 18 NO 72 AA 012169-1034 # SLD 200 WHT 11# Q MKT# 0496-1# \$
 406 EXT 71 2A 012169-1033 EDP # DOT 300 LT 68# N 03-0100-0#
 42 TL 117 WRD 012169-1034 # LH TL# 70-1510-9 CANNOT PAY OUT FUNDS IF CUST# DECEASED ACCT HL HV TO
 56# CHRGD TO ESTATE OF ANDREW# M RUNDL AND NEED LEGAL PAPERS TO RELEASE FUNDS# LUONGO CRD# #
 327 QTC 71 PB ORD 012169-1033 # BUY# 50 FIRST NATIONAL BANK# ST LOUIS MO 49 PLUS % DISCRETION# DAY# 65-321C-1 # Q
 UCTE BACK# #
 77 EDP 91 2B 012169-1033 # DOT 100 HGE 34# DC-8055-2#
 407 EXT 25 AR 012169-1033 PT # SLD 100 MEN 34 # Q MKT# 3274-2# \$
 HU 122 # BUY# 100 TAM 4# GTC# 7782-1# 100# N AC 316 012169-1033E
 110 GE 44 AM 012169-1034 # DOT 200 CQ 51# ALS# \$
 14 CR 15 CX 012169-1033 # 930A AVGS 93144 UP 19# \$
 408 EXT 7C AV 012169-1033 KC # SLD 200 KSU 46# X-# 1-10# 6064-1# WEHS
 56 KC 4R XH 012169-1036 # SLD 100 NIT RA# X 42# CPTS# MMS
 409 EXT 91 2B 012169-1033 EDP # DOT 100 RGF 34# DC-8055-2#

710 EXT 80 XW 012169-1051 HT # SLD 100 ALP 250# HT 8# P \$
 HT 46 # SLW 40 GLW MKT# 0193-1# CR GUMN 40# NOL 429 012169-1051N
 52 EV 120 AA 012169-1054 # SLD 100 BPT 19# GTC# 3960-2# \$
 051 TNR AC IN 0098 OUT 0372 ORD 0000
 53 FL 115 AA 012169-1052 # SLD 100 RBT 326# 9848-1# \$
 55 SF 140 WRD 012169-1051 # DVR SFA 2441-1 DIV GEN BNK SYS NOT POSTED# AS OF TOA BAZ CRD# \$
 439 QTC 120 KC 012169-1051 # HARVN WHY OD TSY 3-1995 AND TSY 3X-1998 SELL AT SAME PRICE# PLS ADV BARTK# \$
 209 AM 48 KE 012169-1052 # JOM # WHO DID BLOCK ANC # KENON \$
 EN 52 # BUY# 25 IH MKT# 3531-1# # NOL 430 012169-10517
 387 QTC 31 NH NH 012169-1052 # SLW 200 UNIVERSAL MAJOR 4# DAY# 0187-1# 200 4# \$
 78 CD 146 WRH 012169-1052 # TERRY UN 10-30 WE DEL OUT OF ACCT 50 GEN THIS IS# NOT YOURS# WE WILL ADJUST AND
 ALSO HAVE TO CHG 18.50 ON DIV# RCJ CRD# \$
 28 HT 96 AM 012169-1057 # DOT 300 BDK 560# 0193-1# CR GUMN 562-7# \$
 711 EXT 114 ZA 012169-1051 EDP # SLD 100 X 440# NW-9263-1 \$
 051 TNR NOL IN 0001 OUT 0431 ORD 0000
 126 EDP 115 ZA 012169-1051 # SLD 300 OM 327# KY-4466-1 \$
 PS 52 # BUY# 100 DLY MKT# CFB 8# 1329-2# 100# # AC 374 012169-1051M
 712 EXT 113 AA 012169-1051 CP # SLD 100 ALI 60# 3960-1# \$
 US 101 # BUY# 50 AHS 315# GTC# 7076-1 1# # NOL 431 012169-10511
 KC 121 # SL# 12 GM MKT# 0243-1# # NOL 432 012169-1051A
 21 LD 0 WRA NS 012169-1057 # HAG# BARTFP IND 3--4\$
 90 CP 89 AC 012169-1052 # SLD 100 UAP 722# 3912-1# \$
 713 EXT 115 ZA 012169-1051 EDP # SLD 300 OM 327# KY-4466-1 \$
 127 EDP 116 ZA 012169-1051 # SLD 100 NR 41# NB-4421-2 \$
 714 EXT 81 XW 012169-1051 CO # SLD 100 ICS 150# CU 7# EFH \$
 PL 71 # SSHRT# 100 EKR 17 # C546-3 # 100 # # AC 375 012169-1053
 43 KA 105 US 012169-1053 # QTC KC QTE PURITAN BENNETT WLS US \$
 33 FX 86 AM 012169-1053 # SLD 200 LIT 662# NB# FX533
 715 EXT 116 ZA 012169-1051 EDP # SLD 100 NR 41# NB-4421-2 \$
 35 SX 132 WRF 012169-1053 # SLD 50 BR PR 470# CPTS# SX-2608-2\$
 43 TE 0 FS NS 012169-1052 # QUNT BE HURT OR MADJ AND TAKE A WORD OF ACV, OK# JUST WATCH WHO U SIGN -LOVE/OR LUV/ O
 R NOT EVER U SIGN# TO THE GUYS ON THE CKT, AND NOT THE TEXT OF UR WIRES, # I MEANT#
 440 QTC 83 SN 012169-1052 # GENL KENETICS SN# \$
 75 RCH 33 KY 012169-1053 # D O YOU HV OPINION REGARDING FLUORS PROSPECTUS TAKE OVER# OF PIKE WUD YOU TENDERPK PIKE
 # BUSCH KMH #
 052 TNR AM IN 0084 OUT 0208 ORD 00000
 43 PL 93 SHD 012169-1053 # EV PL RE SSC BUSTED 100-266 SLD 100 SSC 260 7875-2# IS A GOOD TRDE CFM - RAY STA
 # #
 107 STA 58 SM 012169-1051 # PLS CAN U TEL ME IF THERE ARE MCRE# SELL CR BUY CRDERS ON CR# THNX CP SMA \$
 NX 50 # SL# 1000 ENG 33# GTC# NW 7735-1# 1000# # XW 219 012169-1053K
 128 FEP 117 ZA 012169-1052 # SLD 100 AMF 26 # TW-1649-1 \$
 716 EXT 114 AA 012169-1051 FF # SLD 100 BEN 572# Q 57- LIT 2702-2# \$
 110 STA 87 EV 012169-1052 # HCPN ON 1/17 WE SULD 500 PCB 23# ACC 1006-1# TAB SAY THEY DO NOT SHOW THIS SALE, # WILL
 YOU PLS CHECK & GV THEN A REPORT SO WE CAN # GET FIGS ON THIS# TNX DOT EV# #
 112 MU 51 AK 012169-1055 # BUT 60 ACY 312# J MKT# 5645-1# \$
 717 EXT 117 ZA 012169-1052 EDP # SLD 100 AMF 26 # TW-1649-1 \$
 CN 105 # BUY# 25 ULS MKT# DAY# 6635-1# 25# # ASE 326 012169-1052
 108 STA 75 PB 012169-1052 # MB# RE OPNS 1-20# AS 100 PUL PR IS RITE AYS# OB 290 JWC PR 150 OK AYS# TKS NAT

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124
 US R # BUY# 1000 LIG 24 # NH# 1159-1 RC# 1000# # AM 47 012469-0925
 EV 32 # SL# 700 SWX 31# GTC# 1057-1# 205# # AN 52 012469-0925
 PA 14 # SL# 100 USI 34# GTC# 65-3792-1# # AV 38 012469-0925
 PL # # BUY# 10 VAR MKTN 3298-1 # 10 # # NOL 125 012469-0925
 PX 16 # SL# 100 AH 34# 3308-1# 100 # # AV 39 012469-0925
 121 OCV # SX 012469-0925 # QTE# BELLACHASE# # CONS REXSPAR SAM SX# \$
 80 27 # BUY# 100 MAF 33 # # 50 EA 6511-1 4950-1 # # AN 53 012469-0929
 7 00 39 BRM 012469-0928 # ALL WIRE# -- ATTN MCNAIR CO -- # WALL ST JOURNAL THIS AM QUOTE COTTON EXPORTS ARE # CU
 RRENTLY INDICATED AT ONLY 3 MILLION BALES DOWN FROM # 4.2 MILLION IN THE 67-68 SEASON# BASSETT BRM#
 WM 16 # BUY# 200 SYN 54# 902-1# 200 # AC 89 012469-0926N
 126 OTC 18 LY OND 012469-0925 # SL# 51M ISY 2# 67.72 DUE 10-20 MKTN 5080-1# 51M# \$
 GC 20 # SL# 100 A#F 27# 6422-1# AV 40 012469-0926V
 4 WRB 283 CCAP 012469-0928 # WRB REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER NOL 3 HT# # SL# 10 M#F MKTN # C13C-1Y
 3 CMX 2 CY 012469-0928 # AND A GM TO U. R U ALREADY TO WORK TOMORROW# WE WLD HV COLD NASTY WEA JUST THEN KIND OF
 WEA THATS NICE TO STAY# IN BED AND SLEEP ON A SAT MNG# JO# #
 925 LNOK
 FF 16 # BUY# 1 RD MKTN 0313-1# 1# # NOL 126 012469-0925\$
 122 OTC 5 FL 012469-0926 # ARNIE BARTEP IND# IMPERIAL PAPER# INTL FLIGHT CATERERS# OP RACE FL# \$
 127 OTC 17 PX 012469-0925 # SL# 40 FREQUENCY ELECTRONICS 19# 3588-1# 40 # \$
 7 01 38 BRM 012469-0928 # ALL WIRE# -- ATTN MCNAIR CO -- # WALL ST JOURNAL THIS AM QUOTE COTTON EXPORTS ARE # CU
 RRENTLY INDICATED AT ONLY 3 MILLION BALES DOWN FROM # 4.2 MILLION IN THE 67-68 SEASON# BASSETT BRM#
 30 CSC 0 PT NS 012469-0926 # GM SHPI FERGOT TO GREET U IN ALLN THE EXCITEMENT OF FRI MORN S PT # \$
 925 0 70 50-0 71 37-0 72 38-0 73 44-0
 925 L UP
 LY 21 # SL# 50 UFG MKTN 6941-1# 50 UFG# # NOL 127 012469-0926\$
 48 STA 17 DE 012469-0925 # MARC RE THE OPNS YSTDY 1/23# OUT BUY 200 STG 11 STP ETC# I SHOW ORDER ENTD ON JAN 1
 7 TO # BUY 200 STG 11 STP# GTC# CXL BUY# 200 STG 10 STP# GTC# 3435-3# ETC# YSTDY 1/23# WE RECD REPORT DE 475 AC C12365
 -1402# ROT 200 STG 11 STP LMT# GTC#
 3435-3# NOW HOW DO YOU COME OUT ADV FEDE# #
 5 FL 281 CCAP 012469-0926 # FL REJECT# UK WIRE CODE# RD 6 FL# LOBE RE 2701 OKP 500 SBN 6# RE 4563 OKP 500 SBN 6
 HP#
 27 SVR 28C CCAP 012469-0926 # WM KAB 15
 LY 20 # BUY# 14 TK 25# 6947-1# 14 TK# # ASE 92 012469-0925#
 124 OTC 9 PL ORD 012469-0925 # BUY# 100 A AND G FOODS 60 # GTC# PL 5690-1 # 100 # \$
 129 OTC 9 US ORD 012469-0926 # SL# 500 ROTU AMERICAN 34# US 4636-1# 500 # \$
 64 CRD 12 SX 012469-0927 # RACE BAZ CRD# RE 48-1601-2 ADV IF OK PAY \$2500, SOLD 100 WHITING AT 34# 1-23 COR SX# \$
 925 TRHLS DOWN GY PA 2
 LY 22 # SL# 100 PEN 7# 6911-1# 100 PEN# # ASE 93 012469-0926
 928 AVG BLKS 1-7 MAX 5 IN 1382 OUT 1759 REJ # 2-1# NADL 0-1620
 7 01 38 BRM 012469-0928 # ALL WIRE# -- ATTN MCNAIR CO -- # WALL ST JOURNAL THIS AM QUOTE COTTON EXPORTS ARE # CU
 RRENTLY INDICATED AT ONLY 3 MILLION BALES DOWN FROM # 4.2 MILLION IN THE 67-68 SEASON# BASSETT BRM#
 18 CGE 17 DE 012469-0926 # M DOYLE # SPD 1 UTD 1/23 # MARG OF#
 WM 32 # SL# 300 APY 14# DAY# CXL# 183# GTC# 6146-1# 300 # AM 48 012469-0926H
 22 HEND 19 PE 012469-0930 # SL# 500 AD 11 # GTC# 1056-1# 500# \$
 16 WRS 17 HQ 012469-0926 # SEIF# PLS SEND FIGS EXTRA HELPH# CAROLE NICHOLS# 7 HRS DAILY TOTAL 35 HRS # BASE ON
 MIN HARLY SINGLE# WITH 1 EXEMPTION# THNX WHITE MW# #
 PH 31 # SL# 50 SVC MKTN GTC# 50# # NOL 128 012469-0926L
 7 01 38 BRM 012469-0928 # ALL WIRE# -- ATTN MCNAIR CO -- # WALL ST JOURNAL THIS AM QUOTE COTTON EXPORTS ARE # CU
 RRENTLY INDICATED AT ONLY 3 MILLION BALES DOWN FROM # 4.2 MILLION IN THE 67-68 SEASON# BASSETT BRM#

US 42 * BUY# 50 SLS MKT# 0550-1# * AC 297 012469-1024E
 4A CGE 70 TL 012469-1024 * BOYLE - SHPG REG PKG 180514 UTO 1/23 JANET TLM \$
 32 DC 3A KW 012469-1028 * REUK 67 J 770-2 565 LAST SALE 770# CEF \$
 39 WP 28 AM 012469-1026 * BOT 100 TIC 360# WP95# MS
 114 CMX 28 TO 012469-1024 * SELL# 1 CAR FEB P BELLIES 3465# DAY# 2057-7# CFM 1 3465# \$
 29 HS 32 CY 012469-1024 * ALL GRAIN FLASH# WHEAT AND BEANS STEADY# CORN STEADY TO HIER NELSA \$
 31 HS 65 HS 012469-1026 * KC SLD 1000 CONTINENTAL INVESTMENT CO ARIZ 2# COMM UR END 4588-1 & 38-5563-1 BC
 T. NPT YGU NYR HS# \$
 75 LS 10 AK 012469-1024 * SLD 40 HDN 1224 0110-1# \$
 17 WH 29 AM 012469-1026 * BOT 100 ACY 31# LTN SPARS
 40 WRS 17 CX 012469-1035 * 930A AVGS 94138 UP 118# \$
 29 TL 13 AK 012469-1025 * BOT 25VSI 355# 4401-1# \$
 37 DE 33 CY 012469-1024 * SKAMPER CORP 22-24# \$
 24 BT 561 CCA# 012469-1025 * AT REJECT# DAO ORDER QUANTITY# KAB THIS NUMBER# NOL 35 BT # BUY# 100 DMO 25# CXL
 BUY# 100 DMO 25 # 2772-1# \$
 310 OPN 67 PL 012469-1024 * RACE 2ND REQ# BELCO PETE 40-88# JDM BLN \$
 1A GX 0 FND NS 012469-1025 * RE YOUR 6 GXRD- BUY \$400 INV CO OF AMEP FOR 8804-1# PLS CHECK OFFICE MEMO NBR 373
 RE 1500# MINIMUM PURCH# AL FND# \$
 37 SF 16 AP 012469-1024 * SOLD 12 PIC 34# QMKT# 7185-1\$
 25 FG 34 CY 012469-1024 * JIM MONTERAY NURSING HOMES 28-30# \$
 77 LS 15 AD 012469-1024 * BOT 60 DMP 84 # Q MKT# 4160-1\$
 320 OTC 23 PK 012469-1024 * THIRD REQ ORDER PENDING PLS QTE# UNITED AUSTRALIAN OIL LWH PK# \$
 35 FV 46 W9 012469-1027 * K MAINE POT 344 41 44\$
 49 BD 14 AK 012469-1026 * SLD 11# MB 357# 2391-1# HMX# \$
 205 EXT 15 AD 012469-1024 LS # BOT 60 DMP 84 # Q MKT# 4160-1\$
 27 FS 0 BX NS 012469-1024 * GOOD MORNING JARS HOW ARE YOU THIS FINE EGGY MORNING PEACHES# \$
 LS 114 # SSMRT# 300 BE 175# DAY# 6443-3# 300# # XW 132 012469-1025
 56 RCH 24 PK 012469-1024 * THIRD REQ PLS ADV WHAT IS THE 1908 PRICE RANGE OF# PHOENIX CANADA OIL CO ELGIN PK# \$
 121 OTC 40 LD 012469-1024 * OT RAKTEP IND# NIAGARA FRONTIER TRANS# INX# CH LCH \$
 66 HU 98 WRA 012469-1024 * SLD 5 CLINTON OIL 25# 9602-1\$
 350 OTC 100 GC HRD 012469-1024 * SL# 700 HENRYS DRIVE IN 12 # FOK# GC 5839-1# 700\$
 29 FS 0 LS NS 012469-1024 * BOT 5 FT 3# YA IN KIND A BUSY BITE NOW# 10# \$
 24 KY 62 ZB 012469-1027 * BOT 100 SFI 76# DPN# KY-5469-1\$
 205 EXT 22 AM 012469-1024 GC # BOT 200 RA 59# COLES
 9 CMX 29 TO 012469-1024 * SELL# 1 CAR FEB P BELLIES 3490# DAY# 2057-7# CFM 1 3490# \$
 322 OTC 70 FL 012469-1024 * 9 90 DAY PUT LEV # FL# \$
 351 OTC 28 NO ORD 012469-1024 * CXL SL# 500 FREE STATE GEBULO 180# NB 0880-1# CXL 500# \$
 52 BR# 35 FX 012469-1025 * ANTHONY# IL IS MY PRIVILEGE TO SEND CONGRATS TO THE JETS# I HAVE NO USE FOR THE COLTS
 # I'M WORKING NITH AND DAY AND BUSINESS IS COMING ALONG # NICELY# COME DOWN WHEN THE WEATHER WARMS UP# MCHILLAN# FX#
 195 CRD 34 EG 012469-1024 * ANDY# RE 76-2142-1 CSR HAS BEEN IN HOSPITAL OUT OF TOWN FOR THE # LAST 6 WEEKS IS BR
 INGING# STOCK AND MNEY IN TOMORROW WE GET AFE# THESE THINGS BUY# SOMETIMES THERE IS NOTHING WE CAN DO# DUKE EGN#
 10 PS 18 AB 012469-1024 * SOLD 51 PRU 450# Q MKT# 1600-1\$
 207 EXT 16 AB 012469-1024 SE # SOLD 12 PIC 34# QMKT# 7185-1\$
 57 RCH 59 SN 012469-1025 * STAT WAT IS OPIN OF# ALLIED NUCLEAR AS SPEC FOR CAP GAINS# ALLEN SN# \$
 12 FL 102 WRA 012469-1025 * SLD 50 DATA SYSTEMS ANALYSTS 10# 3141-1\$
 196 CRD 30 GX 012469-1025 * MAPH RE 6200-2 UN CALL PLS RECHECK SH BE NO CALL # SCARR # \$
 42 SF 49 AC 012469-1032 * BOT 300 REQ 11 # GTC# 4906-2# \$
 209 EXT 23 AM 012469-1024 FF # SLD 100 G 24# GS

111H EXT 0 ZA NS 012469-1334 EDP # SLD 100 AS 62-# 03-0100-0# \$
 747 EDP 0 ZA NS 012469-1334 # 80T 100 AN 31 # HQ-2538-1# \$
 1119 EXT 273 AN 012469-1334 GC # SLD 500 AD 11# 9552-1# \$
 HQ 129 # SL# 100 A1U 12# 5452-1# 100# # AC 872 012469-1334
 139 PX 1674 CCAP 012469-1334 # PX KAB 203
 3120 EXT 341 AC 012469-1334 HQ # YR HQ 123# SL 200 GRI 8 CXL # # CTL# \$
 324 RRY 140 FA 012469-1339 # TAYLOR # 1 HV IND OF INT FOR 500 GENERAL# HEALTH SERVICES# DO YOU FEEL THERE IS AN
 Y # CHANCE OF OUR GETTING SOME THXS DAVE FAX
 70 CF 0 WRC NS 012469-1334 # NYATT 39-41 # WALTERS
 31 CA 303 XN 012469-1335 # 80T 100 J 78# --# CA 65# W \$
 1171 FKT 274 AN 012469-1334 TO # SLD 100 AD 11# 3196-1# \$
 84 DA 233 SHD 012469-1335 # 80T 100 OXY PRS 144# LVS 1300 X-# YOU66 # OA 2626-1 RC# \$
 1122 EXT 0 ZA NS 012469-1334 EDP # 80T 100 AN 31 # HQ-2538-1# \$
 744 EDP 481 FA 012469-1334 # 80T 100 IGL 20# # 03-0100-0# \$
 3123 EXT 481 ZA 012469-1334 EDP # 80T 100 IGL 20# # 03-0100-0# \$
 740 EDP 0 ZA NS 012469-1334 # 80T 100 AS 62-# GC-7057-1# \$
 CN 60 # CXL SL # 30 CIC 65- # GTC # 0330-1 # 30 # CXL # # NOL 990 012469-1334#
 1124 EXT 406 AM 012469-1334 RL # 80T 100 BUR 42# 8W\$
 119 KY 411 7H 012469-1337 # SLD 200 SRY 31# LVS 300# KY-2634-1\$
 FL 122 # SL# 50 CLE MXT# 1842-1# 50# # AC 873 012469-13356
 FF 178 # SL# 100 HL 21# GTC# 0039-1# 100# # ASE 842 012469-1334R
 21 OTC 177 FL 012469-1334 # BARTER IND# IMPERIAL PAPER# INTL FLIGHT CATERERS# \$
 216 RL 417 AY 012469-1337 # 80T 100 UP 24 104# M\$
 3125 EXT 362 AC 012469-1334 CSC # TED GRANATA# GAY HI ON POST 4 KRAUT\$
 HI 395 # SL# 100 CF 25# DAY# 5119-1# AM 581 012469-1335-
 472 OTC 13R FA DRU 012469-1334 # SL# 1000 ST LAWRENCE CORP LTD 17# C554-1# 1 M# \$
 133 HEND 106 PL 012469-1336 # BUY# 500 AS# 26 # CXL 27 # 2817-2 # 500 # \$
 149 PX 407 AM 012469-1334 # SLD 100 HQU 45# AG# \$
 703 SVR 1675 CCAP 012469-1334 # AK REJECT# 0 TWICE# CSC 0 AK IGN# ATTN RICK NILES# WILL LOOK FOR YOU# TONIGHT IF U
 # CAN MAKE IT# JP#
 GC 332 # BUY# 600 ULI MXT# 6871-2 6CO BUY# ASE 843 012469-1334#
 94 CY 341 WRC 012469-1334 # LL 70-2379-1 SOLD 100 INLAND STEEL PLS SEND POWER# GIL CROS
 106 CSC 391 AK IGN 012469-1337 # ATTN RICK NILES# WILL LOOK FOR U# TONIGHT# HOPE YOU CAN MAKE IT# # JP# \$
 3126 EXT 0 ZA NS 012469-1334 EDP # 80T 100 AS 62-# GC-7057-1# \$
 CA 65# BUY# 100 J MXT# 100# # XW 450 012469-1334
 790 EDP 492 ZA 012469-1334 # 80T 100 J 78# # DF-1254-1\$
 3127 EXT 482 ZA 012469-1334 EDP # 80T 100 J 78# # DF-1254-1\$
 820 DDV 173 CL 012469-1334 # MARJ CAN YOU PLS GET QTE CR PX OF MONTEREY PETROLEUM LTD# IN CALGARY AS OF DEC 12 1968
 # NEED THIS FOR ESTATE# VALUATION THX SGB CL# #
 791 EDP 0 ZA NS 012469-1334 # SLD 300 VAR 32-# SN-2655-1# \$
 312R EXT 275 AB 012469-1334 CN # 80T 100 AIP 8# GTC# 3287-1# \$
 32 AK 1675 CCAP 012469-1334 # AK REJECT# 0 TWICE# CSC 0 AK IGN# ATTN RICK NILES# WILL LOOK FOR YOU# TONIGHT IF U
 # CAN MAKE IT# JP#
 141 RQ 305 AN 012469-1337 # SOLD 100 AS 62# K# LR # RB 151# \$
 3120 EXT 0 ZA NS 012469-1334 EDP # SLD 300 VAR 32-# SN-2655-1# \$
 47 WA 0 WRA NS 012469-1339 # HOW ADT AN ANS ON THE BELDEN # SHUD IT BE BELDON CORP# ADV JOHN WRA
 26# LA 137 KY 012469-1334 # LINK # RACE # RE 8098-1 RE ORDER 121 SELL 100 C BREWER & CO # AT PKT PLS TRY TO SELL ST
 OCK THDAY # RE ENTERED OUR TIME 12.16 ADV # H#E KY#
 111 KY 554 WRA 012469-1336 # 80T 100 US 15# HILLS DUE 7-2-67 95,0320# # 4501-1 \$

US 42 * BUY# 50 SLS MKT# 0550-1W * AC 297 012469-1024E
 48 CGE 70 TL 012469-1024 * BOYLE - SHPG REG PKG 100514 DTD 1/23 JANET TLN \$
 32 DC 38 KW 012469-1024 * REUR 67 J 770-2 565 LAST SALE 770W CEF \$
 39 WP 28 AM 012469-1024 * BOT 100 TIC 360W WP95W MS
 4 CMX 28 TO 012469-1024 * SELL# 1 CAK FEB P BELLIES 3465W DAY# 2057-7# CFM 1 3465W \$
 29 HS 32 CY 012469-1024 * ALL GRAIN FLASH# WHEAT AND BEANS STEADY# CORN STEADY TO HIER NELSA \$
 31 HS 65 HS 012469-1024 * KC SOLD 1000 CONTINENTAL INVESTMENT CO ARIZ 2-W COMM UR END 4588-1 & 38-5563-1 BO
 T. HET YOU NYR HS# \$
 76 LS 10 AK 012469-1024 * SLD 40 HON 122W 0110-1W \$
 17 WH 29 AM 012469-1024 * BOT 100 ACY 31-W LTH SPARS
 40 WRS 17 CX 012469-1035 * 930A AVGS 94138 UP 116W \$
 29 TL 13 AK 012469-1025 * BOT 25VSI 352W 4401-1W \$
 37 DE 33 CY 012469-1024 * SKAMPER CORP 22-24W \$
 74 BT 561 CCAP 012469-1025 * BT REJECT# BAD ORDER QUANTITY# KAB THIS NUMBER# NOL 35 BT # BUY# 100 DMO 25% * CXL
 BUY# 100 DMO 25 * 2772-1 \$
 319 OPN 67 PL 012469-1024 * RACE 2ND REQ# UELCO PETE 40-88W JDM BLN \$
 18 GX 0 FND NS 012469-1025 * RE YOUR 6 GXRD- BUY \$400 INV CO OF AMER FOR 8804-1W PLS CHECK OFFICE MEMO NBR 373
 RE \$500, MINIMUM PURCH# AL FND# \$
 37 SF 16 AP 012469-1024 * SOLD 12 PIC 34-W QMKT# 7185-1\$
 25 FG 34 CY 012469-1024 * JIM MONIERAY NURSING HOMES 28-30W \$
 77 LS 15 AB 012469-1024 * BOT 60 DMP 84 W Q MKT# 4160-1\$
 320 OTC 23 PK 012469-1024 * THIRD REQ ORDER PENDING PLS QTE# UNITED AUSTRALIAN OIL LWW PK# \$
 35 EV 46 W3 012469-1027 * K MAINE POT 344 41 44\$
 49 BD 14 AK 012469-1026 * SLD 11 MB 352W 2391-1W HXX# \$
 205 EXT 15 AB 012469-1024 * LS # BOT 60 DMP 84 W Q MKT# 4160-1\$
 27 FS 0 BX NS 012469-1024 * GOOD MORNING JAR# HOW ARE YOU THIS FINE EGGY MORN# PEACHES# \$
 LS 114 * SSHRT# 30C BE 17W DAY# 6443-3W 300W * XW 132 012469-1025
 56 RCH 24 PK 012469-1024 * THIRD REQ PLS ADV WHAT IS THE 1968 PRICE RANGE QFN PHOENIX CANADA OIL CO ELGIN PK# \$
 121 OTC 40 ID 012469-1024 * QT BARTER IND# NIAGARA FRONTIER TRANS# TNX# CH LGW \$
 66 HU 98 WRA 012469-1024 * SLD 5 CLINTON OIL 25W 9602-1\$
 150 OTC 100 GC ORD 012469-1024 * SLN 700 HENRYS DRIVE IN 12 W FOK# GC 5839-1W 700\$
 29 FS 0 LS NS 012469-1024 * WOUT 5 FT 3W YA IM KIND A BUSY BILE NOW# 10W# \$
 24 KY 42 ZB 012469-1027 * BOT 100 SFI 76W OPNW KY-5469-1\$
 205 EXT 22 AM 012469-1024 * GC # BOT 200 BA 59W CULE\$
 9 CMX 29 TO 012469-1024 * SELL# 1 CAK FEB P BELLIES 3490W DAY# 2057-7# CFM 1 3490W \$
 322 OTC 70 FL 012469-1024 * Q 90 DAY PUT LEV# FL# \$
 351 OTC 28 NO ORD 012469-1024 * CXL SLN 500 FREE STATE GEBUL 16W NB 0880-1W CXL 500W \$
 69 BR# 35 FX 012469-1025 * ANTHONY# IL IS MY PRIVILEGE TO SEND CONGRATS TO THE JETS# I HAVE NO USE FOR THE COLTS
 # I M WORKING NITH AND DAY AND BUSINESS IS COMING ALONG # NICELY# COME DOWN WHNE THE WEATHER WARMS UP# MCMILLAN# FX#
 195 CRD 34 EG 012469-1024 * ANDY# RE 76-2142-1 CSR HAS BEEN IN HOSPITAL GUT CF TOWN FOR THE # LAST 6 WEEKS IS BR
 INGING# STOCK AND MNEY IN TOMORROW WE GET AFTER THESE THINGS BUY # SOMETIMES THERE IS NOTHING WE CAN DO # DUKE EGN# \$
 10 PS 18 AB 012469-1024 * SOLD 51 PRU 45W Q MKT# 1606-1\$
 207 EXT 16 AB 012469-1024 * SE # SLD 12 PIC 34-W QMKT# 7185-1\$
 57 RCH 59 SN 012469-1025 * STAT WAT IS OPIN OF# ALLIED NUCLEAR AS SPEC FOR CAP GAINS# ALLEN SN# \$
 12 FL 102 WRA 012469-1025 * SLD 50 DATA SYSTEMS ANALYSTS 10W 3141-1\$
 196 CRD 30 GX 012469-1025 * MAGH RE 6200-2 ON CALL PLS RECHECK SH BE NO CALL # SCARR # \$
 42 SF 49 AC 012469-1032 * BOT 300 REQ 11 # GTC# 4906-2\$ \$
 209 EXT 23 AM 012469-1024 * FF # SLD 100 G 24W GS

34 KC 0 CSC NS 012769-1332 * KE DIC 2-N CROM 3324 STS 5214 HCA 3104 SONY 5424 BASS 654 KUMU 20-N KTEC 194 BATH 23
 -# SUNE 7424 TFM 1244 KIN 20-N RANS 334 CERN 1844 MILT 25-N MARC 1704 PURI 574 ANAD 2844 MO 36-N LEIG 28-N .#
 862 CTC 268 KC 012769-1332 * SLW 100 STERLING COMMUNICATIONS 114 GTCW 4625-14 1004 \$
 164 CSC 148 LA 012769-1332 * ATTN YED G MIKE FALK GLENN THEMA VERNI ICA 1618 BIDN AT MORNING
 PRICE BID CALY /AVAIL LAY *
 DC 203 * SLW 404 CGH 414 CXL 01 * 2124-24 ACCN * AM 570 012769-1332T
 46 NH 1044 CCAP 012769-1332 * NH KAU 47
 801 CTC 167 SX 012769-1332 * PLS QTFH MACPCDYNE MEG SXW \$
 PS 163 * BLW 100 801 604 1040-14 1004 * ASE 740 012769-13310
 PS 164 * SLW 100 TST 824 1040-14 1004 * ASE 741 012769-1332
 367 STA 165 US 012769-1332 * BILL NCL YES STILL GCCC ORDER RE SL 50 P 730 GT 3-1 * 5637-1 * US \$
 366 STA 133 DE 012769-1331 * RGP SEE REPORT DE 210 AV 012769-12454 BOT 100 FFS 23 * LVS 4004 T.I ASSUME YOU WANT
 NEW TO BUST THIS AN * HONKIL AS OCT4 SHLD BE SLD I RECC REPORT CA SCLD EECEN *
 65 CS 166 SX 012769-1332 * CTFH MIRA CK MEG SXW \$
 633 FOP C 7A NS 012769-1331 * OCT 100 CW 26 * CN-5177-14 \$
 2833 EXT 407 AM 012769-1331 * SX * SLD 600 RK 2674 CMTS4 6692-14 BENTON4 260-7 * \$
 172 RCH 0 PA NS 012769-1332 * PAUL KACPLCKW \$ AND P ADR 76224 TAX ANN PAN \$
 69 GX 72 FND 012769-1332 * KT 35 -8124-1 WE ARE WAITING FOR 534 SHS TECHNOLOGY FUND4 VAL 1/28/69 HUD APPRECIATE HA
 VNG THIS STOCK ASAP PC FVFFHAD4 \$
 771 SVR 1544 CCAP 012769-1331 * NH REJECT4 DK WIRE CCRN CSTA 47 NH4 CCAN RE NH 24 OF 1-27-69 B 14 JAMES TALCOTT CV
 55 UN MTK4 19-0510-2 RECD LGFIRM WITH
 CH 61 * CXL BUY * 100 C 50-N GTC * 1000-1 T * 100 CXL * * AV 254 012769-1332
 34 CP 26 CK 012769-1331 * 12-30 AVERAGES 93672 CWN 1874 \$
 2834 EXT C 7A NS 012769-1331 EOP * OCT 100 CW 26 * CA-5177-14 \$
 772 SVR 1544 CCAP 012769-1332 * PT KAU 147
 DE 134 * SLW 200 PCG PRP 21-N 2796-14 2004 * AC 698 012769-1332L
 634 LOP C 7A NS 012769-1332 * SLD 100 GUL 34 * CJ-3911-24 \$
 2835 EXT U 7A NS 012769-1332 EOP * SLD 100 GUL 34 * CJ-3911-24 \$
 FL 189 * BUY4 50 04 04 7017-14 * KCL 526 012769-1332L
 576 CRD 100 FL 012769-1332 * LOP RE 6952-1 OKO CR BAL CCHANW \$
 58 OF 408 AM 012769-1332 * HKN 33 -24 54 DF74T
 773 SVR 1544 CCAP 012769-1332 * NH KAU 47
 177 TL 0 FS NS 012769-1332 * RGY I DIDNT HAVE A HANGOVER, DIDNT EVEN HAVE A CRINK AT4 ALL. NOTHING ABOUT STRAIT CCK
 E. HA HA, I DONT KNO JUST FELTY SICK. I WLST HAVE HAD SOME FEVER TOO-BUT I DIDNT BOTHER4 TO C. JUST TOOK ASPIRINS. LOVE
 BARK4
 863 CTC 54 LY 012769-1332 * PARTED IND 3--44 \$
 366 TAD 48 NH 012769-1332 * KE AM 24 OF 1-27-69 B 14 JAMES TALCOTT CV 5 79 MTK4 19-0510-2 RECD CONFIRM ACCT NO 501C
 -6 PLS KAH 5010-24 TC READ 19-0510-24 THANKS LINDA NH4 \$
 60 190 * BUY4 100 SCF MTK4 CACH-24 * KX 422 012769-1332T
 635 EOP C 7A NS 012769-1332 * SLD 200 GUL 34 * CJ-3911-24 \$
 2636 EXT 408 AM 012769-1332 * DE * HKN 33 -24 54 DF74T
 133 PT 234 NH 012769-1332 * KUNIN RE 74-8445-3 STILES JR4 WE SHCW A DIV CHARGE ON WALT DISNEY PROD COM4 47,
 60 CLMT4 PLS 54V T44 RLO CRD4 \$
 57 OF 303 AC 012769-1332 * OCT 100 PCN 1124 GTCW 1968-14 \$
 2637 EXT C 7A NS 012769-1332 EOP * SLD 200 GUL 34 * CJ-3911-24 \$
 173 RCH 254 CN 012769-1332 * REYNERS- PART 2-- CN ERROR ACCOUNT, HIS ACCT4 NUMBER IS 90 5368-1 ENTITLED OTIO R 4
 CMSE4 TRUSTEE4 U/A CALFD 5710/47 CWN FND4 \$
 233 KC 77 FND 012769-1332 * KE 75-0040-1 WE ARE WAITING CR 1204 ENTERPRISE PLNC4 VAL 14144 HUD APPRECIATE HAVNG TH

146 FL 309 XH IGN (12769-1333) * RFUR 133 SCN 44- ICD STPC 46# LAST SALE 46# FOW U MAMP PAUL XH \$
 145 TO 76 FND 012769-1333 * PE 45-3194-1 WE ARE WAITING FOR 75 SHS FIDELITY CAPITAL FUND VAL 1/28/69 WUD APPRECIAT
 144 HAVING THIS STCCN ASAP, MC VEDY FND \$
 143 OF 382 AA 012769-1334 * SLD 200 ATR A 23# GTC# 2691-1# \$
 142 CTC 96 LD 012769-1333 * CTC PLS PARTER INDUSTRIES # THANKS C HAG LD # \$
 141 RND 249 KC 012769-1333 * SLN #10000 MKT 52-2033 31# 5439-2# \$10000# \$
 140 NW 413 AM 012769-1333 * SLD 10 WHX PR 60# # AW93# B# \$
 139 EXT 375 AA 012769-1333 GC # TO LATE RFW RUY 500 PGT 60# ASE# \$
 138 PX 377 AA 012769-1333 * TSO 370-8 YRS# ASE# \$
 137 EXT 413 AM 012769-1333 NW # SLD 10 WHX PR 60# # AW93# B# \$
 136 FL 1957 CCAP 012769-1333 * FL REJECT# HEADER FORMAT ERRFRM CTC 1914-0 OPCN SL# 500 UNITED BANCSHARES 28# 5504
 135 500#
 134 FXT 376 AA 012769-1333 PZ # PGT 100 CH 143# 87-3200-1# \$
 133 KY 150 CY 012769-1333 * CFN SLD 17 CCC 68-# \$
 132 156 # SL# 100 PJC 34# DAY# 0855-1# 100# ASE 746 012769-1333
 131 TL 0 PS NS 012769-1333 * RUY U DIDNT TELL ME IF U GCT TT LCNG LTR FR PE CA FRIV AND U SHUD EXPECT ANOTHER CNE F
 130 ME TODAY# DU U THINK U WITE OF AHLE TO RITE BACK # SOME TIME THIS WK/SUPR HCPE SD# LCVE BARB #
 129 CTC 66 CS 012769-1333 * Q# CALUMET SILVER FRCH SHEWCCD SECURITIES# \$
 128 K# 0 CSC NS 012769-1334 * KE FUREIGN LIST-# AG 102# SIEM 76# GAEV 30# DEUT 87# # \$
 127 KE 0 CSC NS 012769-1333 * KE UTC 4-# UCCM 146# RANK 11 # CKH 36# GANN 39# PSH 32-# WPL 29# MILE 12# CAPI 30#
 126 SATU 250# TIME DC 33# AXP 60# KELE 20# MOORE 30# NIA 33# NIA R 33# PINK 40# REYN 42# SGR 20# SAGA 45# OCEAN 26#
 125 AIND 53# CNAS 24-# KATH 26# # \$
 124 PK 383 AA 012769-1334 * SLD 100 DMI 21# LVS 400# PK 36# \$
 123 GTC 113 CP 012769-1333 * ADV STATUS /RUY# 200 CCNSOLIDATED PACKAGING R&N GTC# 2913-1# CP 92 ENTD 15 JAN 139PM
 122 ON DETROIT SEN ACV PLS CP# \$
 121 FL 1961 CCAP 012769-1334 * FL KAB 151
 120 SVR 1959 CCAP 012769-1333 * AS KAH 216
 119 KC 270 # SL# 100 WHF RUY GTC# CXL SL# 50 WDF R2# GTC# 3223-2# 100# # AC 704 012769-1333F
 118 REND 152 RU 012769-1334 * RUY# SCO SPS 13 # 4462-1# 500# \$
 117 KW 387 AA 012769-1336 * SLD 100 KIN 90# BE-CSE6-1# \$
 116 EXT 377 AA 012769-1333 PX # TSC 370-8 YRS# ASE# \$
 115 KY 217 AR 012769-1333 * SOLD 200 MIE 21-# 7257-1#
 114 AR 0 WRG NS 012769-1333 * LIBERTY CORP 25-65
 113 FND OF RETRIEVAL IC TERM US
 112 PX 378 AA 012769-1333 * PEP 10- AND # ASE# \$
 111 EXT 378 AA 012769-1333 PX # PEP 10- AND # ASE# \$
 110 GTC 78 CU 012769-1333 * PLS CTE FOR FELLOW WORKER CAROLINA CASUALTY OF FLAW TKU MICKI DUN \$
 109 AR 1956 CCAP 012769-1333 * AS KAH 216
 108 GTC 87 CS 012769-1333 * ON ECLITY CIL# \$
 107 GTC 165 SF 012769-1333 * NYR 17# 100 VICTOR EQUIPMENT 400# B 98-9987-0 S 48-6692-1 LC# XPCSE SF# # \$
 106 KC 271 # SL# 100 KI CT 150 DAY 5439-1# 100# # AC 705 012769-13330
 105 KE C CSC NS 012769-1334 * KE HANK LIST-# BKT 78# CNY 71# CGA 61# DETR 71# FBN 78# MNK 50# MFCR 42-# ASD 62#
 104 PGN 70# RPL 30# HAC 53# # \$
 103 KC 272 # SL# 100 MII 45# GTC# CB84-1# # XH 424 012769-1333-
 102 GC 379 AA 012769-1333 * SLD 500 STM 16# O MKIN 9900-1# \$
 101 EXT 306 XH 012769-1333 HU # SLD 100 TUN 24 # C T L# 2958-2# \$
 100 PX 384 AA 012769-1334 * RGT 50 AC 116# 2126-1# \$
 99 EXT 415 AM 012769-1333 AR # SLD 10 WSP PR 73 # 281# ARAG# DOME
 98 RND 49 AM 012769-1334 * CHA RE RH 24 OF 1-27-69 B 1# JAMES TALCOTT CV 5 75# MKT 19-0510-2 RECV CONFIRM ACCT AC
 97 5010-6# PLS KAH 5010-6# TH READ 10-0510-6# THANKS J. McALLISTER

139 KW O KA NS 012769-1339 # MPLS SPG MNT BASIS BASFO LN PAMCH # UNK -A-V # AA-A-V # AS-A-V
 5 26-26 # 15 45-45 # 17 55-55 # DURUM UNCH 194-210 # LS # #
 2962 EXT 227 AB 012769-1339 # LS # # NOT 25 UVC 25 # GTCV 4172-1#
 51 AM 495 WRA 012769-1343 # SLD 100 MEDIC HOMES 39# # 0342-1 #
 824 CON 257 LS 012769-1344 # CONSUMER POWER 57-46 JOANNE LSW #
 124 KY 211 HK 012769-1347 # SLD 16 # PA 626# 0095-1#
 2963 EXT O ZA NS 012769-1339 EDP # SLD 100 DIN 176# # PX-2109-2# #
 MD 193 # BUY# 100 CNT MKT# 6845-1# # AV 405 012769-1340T
 691 EDP O ZA NS 012769-1339 # SLD 100 APP 45# # NW-8507-1# #
 2964 EXT C ZA NS 012769-1339 EDP # SLD 100 APP 45# # NW-8507-1# #
 12 WRE O AK NS 012769-1344 # ATTN LUNA# CK SFF U THERE# JOSE# #
 105 FND 157 PT 012769-1340 # BUY# 5600,00 NEAREST SHARE EVER CHASE FUND OF BOSTON MKT# BNALKENSHIP BLAKELY C STR
 AND# CFN 5400,00# #
 883 CIC 53 TF 012769-1339 # SL# 1000 LARPEF WIRE 92# 1852-1# 1000# #
 381 STA 278 KC 012769-1341 # YOUNG KC 449 AK# SOLD 3 FDP 47# PRL# 0804-1# NO RECORD KCN #
 746 SVR 1990 CCAP 012769-1339 # KC REJECT# NAD CORDER SIDE# KAB THIS NUMBER# NOL 276 KCN STA YOUR 449 AK# SOLD 3 FDP
 473# PRL# CR54-1 NO RECORD# HWA KCN
 246 KC 431 AV 012769-1342 # HNT 300 MYG 28-# CHPTS# 0063-1# GREG# #
 797 SVR 1991 CCAP 012769-1339 # BK REJECT# 104 TWICE# AN 104 BKN SLD 9 CM 786# 6682-1
 108 CD O WPH NS 012769-1340 # SORI PLS DISREGARD THAT MSG 156 TC YCU FROM STEVEN #
 30 PK 1992 CCAP 012769-1339 # BK REJECT# 105 TWICE# CN 105 BKN SLD 50 MLX 440# 8060-25
 798 SVR 1992 CCAP 012769-1339 # BK REJECT# 105 TWICE# CN 105 BKN SLD 50 MLX 440# 8060-25
 825 CIC 152 FV 012769-1340 # GTFV ACAN CCHP# FV# #
 692 EDP O ZA NS 012769-1339 # BUT 300 HAL 27 # TL-R138-1# #
 2965 EXT 223 AB 012769-1339 # CL # SLD 100 PIC 34# 34-# 0855-1#
 237 RND 91 DU 012769-1339 # BUY# 57000 TERNFCH CP 7 57 95# DAY# 3078-1# \$3M 95# #
 237 LA 471 AX 012769-1340 # SLD 30 HCN 119# 1601-1# #
 PR4 OTC 169 PS ORD 012769-1340 # BUY# 300 RORINS INS 9# DAY# PS 7155-1# 300# #
 DU R2 # BUY# 100 TCT MKT# 3684-1# 100# # AX 374 012769-1340S
 79 CH 157 CY 012769-1340 # JOE LOUISVILLE CEMET# 87-9 181# #
 2966 EXT C ZA NS 012769-1339 EDP # PUT 300 HAL 27 # TL-R138-1# #
 78 LD C WRG NS 012769-1341 # C HAGEN NANTER IMS 3-4#
 X 78 CH 304 WRG 012769-1340 # PHIL# RE CUO SELLS ASSETS OF SUBSIDIARY CN JAN 16 # SED IT HAD SLD THE CPF
 RAIG ASSETS OF CALSI CRETE# INC YI THE LATEST NEWS AVOL TO US# MJK RCH# #
 KC 277 # BUY# 55 MAG MKT# CMT-1# # NOL 93R 012769-1339C
 31 BK 1993 CCAP 012769-1340 # BK REJECT# 104 TWICE# CA 106 BKN BOT 10 FIR 37# 1442-12
 790 SVR 1993 CCAP 012769-1340 # BK REJECT# 106 TWICE# CA 106 BKN BOT 10 FIR 37# 1442-12
 95 WY O WRG NS 012769-1341 # ROGERS# INTEGON 45-6#
 693 EDP O ZA NS 012769-1340 # SLD 100 TFD 21 # PT-8395-1# #
 2967 EXT 436 ZH 012769-1339 # TL # NOT 100 GAP 33# TL-7790-1# #
 184 IW O FND NS 012769-1340 # KPTNG & COIG NY NDR 75 FACH RE 58-1836-1 WE ARE WAITING FOR 2 SHS FIDELITY TREAS#
 FUND VAL 1/28/98 WUD APPRECIATE HAVNG THS STOCK ASAP# PC EVOY FND# #
 2968 EXT 270 AV 012769-1339 # SX # SLD 100 JOY 35 # # 17#
 P5 CA 225 AB 012769-1341 # BOT 100 JLP 2P# O MKT# 1990-1# #
 2969 EXT C ZA NS 012769-1340 EDP # SLD 100 TFD 21 # PT-8395-1# #
 239 LA 272 AV 012769-1340 # SLD 100 CSL 31# CN 31-# W DISCH 9863-1# 300-1# #
 PS 171 # BUY# 100 C 52# UNDETER# 0073-1# CN # AV 405 012769-1340

GE 54 20 012869-1024 # SLD 400 GA 1P00 GF-0451-15
 15 103 # SLD 74 SVS MKT# DAV# CXL# 25 # GTC# 2400-2# 75# # AC 264 012869-1024
 24 15 94 FF 012869-1024 # ADVANCE CTPCUTIS#
 349 11C 44 LY 012869-1024 # 000# AO 1-27 FAIL ONE LOT 9899H50 PCX SLD 100 H80# 23# CAME ONCE GOES TWICE# 74-4495
 21 AND 76-1400-2 NOT 1X10# EACH I SHOW# ONE LOT MATCHED AND 1 LOT FAILS# ADVISE# RED-LAN #
 11 TO 106 WRC 012869-1024 # WENDY GO NEITHER JED OR SCOT LONG IN AS YET# JUSTIN WRSS
 15 BX 0 BX NS 012869-1024 # ANDY-OKEE OKEE-THEE TILL SHUT UP-AND WONT BOTHER UN TILL THE PM, HA HA, OKEE OKEE, C
 012869-1024 # 77#F GOOD NOY NOW...
 11C EXT 3 20 012869-1024 # HU # TWA 72-0# 28AM# ERDS
 31 SN 55 7H 012869-1024 # SLD 100 N 30# SN-5349-21
 342 11C 22 EL 012869-1024 # QTE# RECCGNITION EQUIP EL#
 KC 108 # SLD 200 CAS 23# 2743-1# 200# # ASE 281 012869-1024
 71 11 56 11H 012869-1024 # ROBERTS RF ACCT 3465-9# SHCS CK RECD 300 ON 1-27# PLS GIVE COMPLETE NAME AND ACOR
 ESSE RJ CRD#
 126 11C 21 AC LIT 29 11C RESPONSE TO CBC LINE X# 11 DCKR
 24 FF 31 XW 012869-1024 # DOT 100 NWK 21-4 ON LTN DMT #
 101 EXT 27 7A 012869-1024 # DOT 100 SGA 48# # 80-9656-15
 107 STA 14 KH 012869-1024 # NPL - ADD SELL FX DIV 1/28# 100 AL 28 STP CXL 282 STP# KCH #
 242 CRD 61 US 012869-1024 # RUD HU CK ON TODAY FOR 84-0020-1 FOR 394 EL PASO ELEC # 276 TX AND 246 GTU BILL US #
 40 11C 0 WRC NS 012869-1024 # JIME ANYTHING YET# PE 6# SELL 50# LIV 5/88 61 08# BNYS
 HU 107 # SMT 11 70# KU 73-# DAV# 4873-3# 300# 4# 172 012869-1024
 10 FOP 24 2A 012869-1024 # SLD 400 MHG 33# # CC-7408-15
 102 EXT 35 AV 012869-1024 # FS # DOT 100 GAF 28 # #
 39 FS 3 AK 012869-1024 # SLD 20 NCC 44# # C220-1#
 143 EXT 55 7A 012869-1024 # SN # SLD 100 N 30# SA-5349-25
 41 SN 72 5V 012869-1024 # ATTN FOR NYR 1# SOLD SN 49-2127-1 LCN HOT SF 98-9987-0# 4 BA 570# SFPCX# ..#
 104 EXT 4 AH 012869-1024 # KC # SCT 5-# # AMDN ERDS
 15 PA 0 PA NS 012869-1024 # ACOR#
 46 CGE 62 US 012869-1024 # ROSE GAGE HU SHPD 1 THRU 6 DTD 1-27 BILL US# #
 16 SHD 6 AH 012869-1024 # DOT 50 AD LIT# 0 MKT# SHD LIT#
 0 DOT 14 KH 012869-1024 # DAVIS # HOW MANY CARS CF CCRN UP THERE THIS AM # DAV KW # #
 EV 76 # BUY# 300 WAT 11# 0039-1# 10# # ASE 282 012869-1024
 143 11C 29 LD 012869-1024 # 11C PLS HATER INDUSTRIES #THANKS C HAG # #
 77 KC 28 AH 012869-1024 # DOT 300 KUE PPR PCH# 2 EHS 1 CSGB
 105 EXT 28 7A 012869-1024 # EDP # SOLD 400 MHG 33# # CC-7408-15
 344 11C 23 EL 012869-1024 # QTE# DICKSON ELECT FLV #
 22 WNS 23 PK 012869-1024 # LEN MARSHALL I UNDERSTAND THAT IN MARCH APRIL MAY AND JUNE# OF 1968 INVESTMENT SALES #
 11 11C 21 PA 1# SERIES OF ARTICLES ON SELECT TO THE PROFIT# SHARING MARKET DO YOU KNOW OF ANY WAY IN WHICH# I COULD GET A
 COPY# WITH PLE #
 19 FOP 29 7A 012869-1024 # KCT 400 PAS 31# # TL-1745-1 200# # TL-6066-1 200# # TL-4871-1 200#
 104 EXT 54 20 012869-1024 # KM # SLD 300 GWF 25# 242LT SHORT# KM-4229-35
 21 LD 0 WRC NS 012869-1024 # VESPAL# SOLD 300 ALIE# CRFME BOW LVS 900# MKT 82-9-# # ARRIE#
 10 109 # SLD 100 FAL 19# 6920-1# # XW 137 012869-1024
 11 KM 4 AK 012869-1024 # DOT 20 ATN# 4573-1#
 107 EXT 5 AD 012869-1024 # PS # DOT 100 SCT 6 # MKT# 9811-25
 10 AR 60 WRC 012869-1024 # KUDY# AT LC DUE TODAY DOT 568-1 AND 8753-1 DUE 1-29# CALL DUE 1-29 461-2# RJL CRD#
 104 11C 72 SN 012869-1024 # ATTN FOR NYR 1# SOLD SN 49-2127-1 LCN HOT SF 98-9987-0# 4 BA 570# SFPCX# ..#
 11C 74 11 012869-1024 # QTE# HENAN# 11H 11# #

KC 215 N BUY# 200 SHI 41 N GTC# CXL 3P N GTC# 3588-14 200# N AM 360 012869-12008
 411 FDP 0 ZA NS 012869-1200# N SOLD 200 FNC 747# 03-0100-0 S
 1863 EXT 0 7A NS 012869-1200 FDP# N SOLD 200 FNC 747# 03-0100-0 S
 66 US 0 WRA NS 012869-1200# N READING HATES 52# 8H 1C12 DID#
 412 FDP 292 20 012869-1200# N NOT 100 UK 45# N GC-9229-1 S
 1864 EXT 292 20 012869-1200 FDP# N NOT 100 UK 45# N GC-9229-1 S
 SM 87 N BUY# 100 ART 544 GTC# N AM 361 012869-1201
 237 STA 37 PK 012869-1202# N STATUS 78 100 STU 14# N PK 5970-1 OUR 55 OF 1727# SANDY PK# S
 49 CP 252 AA 012869-1201# N DOT 200 NRY 15# N 4801-2# S
 413 FDP 0 2A NS 012869-1201# N DOT 100 TXT 364# N RL-1503-2 S
 398 SVR 1300 CCAP 012869-1201# N KC REJECT# BAD ORDER SYMOL# KAB THIS NUMBER# ASE 217 KC# BUY# 100 LVO 11# N 5166-
 2# 00# 100#
 1865 EXT 0 2A NS 012869-1201 FDP# N DOT 100 TXT 397# N RL-1503-2 S
 41 PA 190 AK 012869-1201# N SLD 50 J 80# N 0 PKT# 0671-1# S
 DE 83 N SL# 100 CPS 42# N SAME SALE# 4898-2# 100 C 5# N AN 262 012869-1200F
 52 OH 207 AB 012869-1201# N DOT 28 EFW 16# N 0 PKT# 1437-1# S
 RD 174 N BUY# 4# 300 NLT MKT# N 9413-1# N 300/ PKT# N# N AN 263 012869-1203#
 107 CGE 129 SX 012869-1201# N JOHN AND DIV CGE# KE PECCRD 98-998-0 1727 SHRT 50 BK OF APER PLS DO NOT# CHARGE CEN S
 X# N
 511 CPD 177 DC 012869-1201# N CARL - AN 1727 3832-1 SLD 25 INVEST FUND 16.62 NET AM# BUSTING TODAY TO ACCT 3832-1 VER
 N DC# N
 617 DIC 16 AV 012869-1201# N RE SMITH TRANSFER 20-702# N NY# N S
 414 FDP 293 20 012869-1201# N SLD 100 KMG 117# N GE-0331-1 S
 1866 EXT 293 2A 012869-1201 FDP# N SLD 100 KVG 117# N GE-0331-1 S
 175 RAD 58 LD 012869-1201# N BUY# 5# N AVCS COEP WI 72-93 897# N 4845-1# 5 M# N S
 FS PU# N BUY# 100 CNV 278 GTC# 2089-2# 100# N ASE 344 012869-12015
 415 FDP 0 7A NS 012869-1201# N SOLD 100 VNG 24# N FF-6588-2 S
 1867 EXT 207 AV 012869-1201# N GK# N SLD 100 HCR 512# N 1309-14 PS
 68 SM 234 AM 012869-1201# N DOT 300 VND 24# N SFR4# LRS
 32 NH 60 WD 012869-1201# N K PHT AT NCON 24# LCD# S
 42 FX 251 AA 1GN 012869-1201# N SYDN 160-2# N 1-3# N ERDN# S
 1868 EXT 0 2A NS 012869-1201 FDP# N SOLD 100 VND 24# N FF-6588-2 S
 416 FDP 294 20 012869-1201# N NOT 500 INA 442# N PT-1058-2 S
 1869 EXT 294 20 012869-1201 FDP# N DOT 500 INA 442# N PT-1058-2 S
 93 FS 0 SX NS 012869-1201# N BARH# DOT TO CHIEFF BREAK# LOVEN# LEC SX# S
 208 KC 194 AK 012869-1201# N DOT 10 ITI 541# N 4873-1 S
 399 SVR 1304 CCAP 012869-1201# N WJL KAH 167
 506 GIC 109 FL 012869-1201# N AKRT# SEC REC PLS RACE BARTER INOH THX COWAN# S
 417 FDP 0 7A NS 012869-1201# N DOT 400 RAD 77# N HB-1750-1 S
 1870 EXT 0 2A NS 012869-1201 FDP# N DOT 400 RAD 77# N HB-1750-1 S
 57 PH 207 BK 012869-1201# N DOT 10 JWC 34# N 65-0496-1# S
 31 FG 175 WJL 012869-1201# N JKM RE EAST DAY 1-2# N RE 1042-1 3389-1# 2133-1 3948-1 4547-1 ADV FDS RECD ANDY CRD S
 HU 271 N BUY# 100 200 25# N DAY# 5393-1# 100# N AC 561 012869-1201#
 FS FL# N BUY# 100 GUL 29# GTC# 2089-2# 100# N 293 012869-12019
 CD 215 N BUY# 100 12 PKT# 100# N AV 312 012869-1201#
 418 FDP 295 20 012869-1201# N DOT 300 CNV PRN 572# N RA-4298-1 S
 1871 EXT 295 20 012869-1201 FDP# N DOT 300 CNV PRN 572# N RA-4298-1 S
 CC 178 N BUY# 100 10 50# N 4597-1# 100# N AC 562 012869-1201#
 122 HFND 123 FA 012869-1201# N SL# 500 RIV 12# N 2053-1# 500# S
 419 FDP 0 7A NS 012869-1201# N DOT 100 VND 24# N GC-2104-1 S

11/23/12
 4 BG 6 BG 012969-1055 # OTC AMER. EXPRESS \$2.30 CONV PFD # RACE ORDER PENDING # TNX DOT BG # \$
 49 CD 52 BK 012969-1055 # BOT 50 DR 44 # \$
 704 EXT 76 XW 012969-1055 # PK # BOT 100 DEN 270# PK 3 # SNX DMT \$
 20 FS 122 AA IGN 012969-1056 # GRV# 19--X# 3-3# ERD# \$
 390 OTC 40 EL 012969-1055 # QTE# GREATER CONTL EL# \$
 055 SIO LINE 050 DEVICE 02E COND. CODE 2 CCH 0101# 208520000005P
 056 TERM PT LINE 018 NO RESPONSE TO TSC
 121 STA 41 CP 012969-1055 # BGP /2ND REQ FOR REPLY MY TT# TO U ON RR FAILS B 20 CRE 4972-1 AD 27 JAN# WILL U ENT
 R E CR ACC OR DO U WISH ME TO# ADV PLS CHAS CPM #
 KC 39 # BUY# 300 MPV MKT# 1858-1# 300# # AM 230 012969-1056Y
 23 PK 53 BK 012969-1055 # SLD 40 PRN 22 # 2804-1# \$
 705 EXT 113 AC 012969-1055 # BO # SLD 6 WIC 46# 1786-1# \$
 OA 6R # SLN 100 POL MKT# DAY# 0001-2# 100# # AC 406 012969-1055P
 15 WA 904 CCAP 012969-1059 # WA REJECT# 21 TWICE# OTC 21 WA # # ACTUAL QT PLEASE # INFORMATION INTERNATIONAL INC
 UNITS # THIS IS TO STARY TRADED Y
 HIS AM PUT OUT BY# PUTNAM COFFIN AND BURR ORDER TO FOLLOW # ADVISE WA# #
 706 EXT 75 AV 012969-1055 # GC # BOT 100 HR 37# # GWS
 391 OTC 58 LD 012969-1055 # OT BARTER IND# TNX C HAG LD# \$
 WH 84 # BUY# 25 CLN 42 # DAY# 3961-1# 25 # ASE 407 012969-1055K
 RTRA20 NX 54 BK 012969-1056 # SOLD 15 C 51 # 5573-1 \$
 64 GC 81 XW 012969-1056 # BOT 100 SRE 22# BURN \$
 707 EXT 0 AA NS 012969-1055 SHD # ATTN ED CLOSE# KBC# 103-11# STPD AT 11# ERD# \$
 80 95 # SL # 30 SMM MKT # 0009-1 # 30/ MKT # # ASE 408 012969-1055L
 22 SHD 119 AA 012969-1056 # SLD 200 KPL 26# Q MKT# FD CLOSE# \$
 708 EXT 114 AC 012969-1055 # FF # RE YR FF 110 SL 100 PIK 39# 1837-1# SELLS AROUND 48 # WE KILL ORDER# ENTER COTLYS
 52 FF 114 AC 012969-1055 # RE YR FF 110 SL 100 PIK 39# 1837-1# SELLS AROUND 48 # WE KILL ORDER# ENTER COTLYS
 391 OTC 52 PA 012969-1055 # SL# 400 CHIEF CONSOLIDATED MNG 5-# 5585-1# 400# QUOTE BACK# \$
 CP 43 # SL# 5 UF MKT# 5774-1# # NOL 361 012969-1055L
 40 PT #83 CCAP 012969-1056 # PT REJECT# INCOMPLETE TRANSMISSION# EG 52 PT# TERRY EG# EDP CENTRAL 100-11# PT#E
 77 RCH 54 OH 012969-1055 # MILLER# ANY OBJ FR SPERRY RAND# JOE OH# \$
 34 CJ 67 AB 012969-1055 # SOLD 100 PEN 7# GTC# 4618-1\$
 99 HU 69 AS 012969-1054 # BOT 35 BCH 21 # Q MKT# 2238-1\$
 709 EXT 76 AV 012969-1055 # RL # BOT 200 CDP 49# OPEN# SL\$
 KC 42 # RUY# 100 CTX MKT# 0884-1# # AN 155 012969-1058Y
 392 OTC 50 PL ORD 012969-1055 # HARVEY # BUY 1 PUT KENTUCKY FRIED CHICKEN # 6 MO 10 DAY 525.00 AT MKT# PL 1448-1
 # 1 PUT # #
 KM 34 # BUY# 6 HBL MKT# CXL BUY# 6 HBL 36 GTC# 4912-1# 6 MKT# # NOL 362 012969-1056
 104 RL 77 AV 012969-1056 # SLD 2300 X 46# P-8 HALE-5 MONT-5 # ADV-1 M-4# \$
 710 EXT 77 XW 012969-1055 # WM # SLD 100 CWD 40# LVS 300# 0753-1# DREY \$
 102 BRM 118 LS 012969-1057 # TAYLOR# GXL INDICATION# 200 SCAMPER CORP ON OFFERING# GTC# 1813-1# CXL# \$
 122 STA 45 WM 012969-1057 # GARY ASP # I RECD TWO REPORTS# SLD 40 CFY 5# ACCT 1411-1 GOES ONLY ONCE - I KILL# ONE
 OK WM #
 60 BL 55 AK 012969-1056 # BOT 5 DLM 47# 5187-1 T \$
 24 WM 78 XW 012969-1055 # SLD 300 CWD 40# 405-1# 0753-1# P \$
 287 SVR #83 CCAP 012969-1056 # PT REJECT# INCOMPLETE TRANSMISSION# EG 52 PT# TERRY EG# EDP CENTRAL 100-11# PT#E
 711 EXT 67 AB 012969-1055 # CJ # SOLD 100 PEN 7# GTC# 4618-1\$
 392 OTC 32 AP 012969-1055 # QTE A & E PLASTIK PAK CO INC AR# \$
 24 PK 82 XW IGN 012969-1057 # REUR RE REPORT 76 BOT 100 DEN 27# DISREGARD ENTIRELY NOT YOURS # KAS IT TNX# XW

143 PT 258 AC 021169-1322 # BOT 45 YPF 35 # 3222-1# \$
 147R SVR 171A CCAP 021169-1320 # GX KAB 94
 121 SX 339 AM 021169-1321 # SLD 100 CMY 177# DW\$
 121 FF 293 AN 021169-1321 # BOT 100 ML 26 # DW\$
 1310 EXT 301 XW 021169-1320 CD # BOT 100 CEA 53# CD 372# LR \$
 1161 PT 202 KY 021169-1321 # LUCIOUS LIFERICH PART 1 # TAKE A LOOK AT ECOLOGICAL SCIENCES AND TELL ME # WHAT YOU THI
 IK SOMEBODY SAID THEYRE SUPPOSED TO # EARN A \$1,40 DO YOU KNOW # /MORE KY#
 120 TEP# CP LINE 004 NOW RESPONDING
 1016 DTC 250 DC ORD 021169-1321 # SL# 100 MONARCH ENTERPRISE 20# DC 3176-1# DB# \$
 200 STA 37R CD 021169-1320 # RF 214 CD 541 WRA 2-11 BOT 1M CO 4- 109% TT SHUD# READ GO AND ALSO 4--92 ADV KEN CD# \$
 60 GX 279 AX 021169-1320 # SLD 50 AET 62 # 8839-1# \$
 470 SVR 171A CCAP 021169-1320 # NX REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# NRL 116 NX# BUY# 100 SWN PR MKT# GTC#
 MCXL BUY# 200 27# GTC# NX 0090-2#
 320 TFR# OF LINE 049 INTERCEPT START 00800
 09 GJ 279 AK 021169-1320 # BOT 50 TA 75# 7528-1# \$
 2111 EXT 292 AV 021169-1320 RL # BOT 100 DTE 27# LVS 300# WEH#
 00 251 # SL# 2 IR# 201 STP# DAY# 4387-1# 4-NOL-1397-021169-13210
 PR 140 # BUY# 100 DM# 34# DAY# 65-4001-2# # AM 690 021169-13212
 50 NX 307 WFF 021169-1322 # BOT 50 UAL 46# # NX-0434-1# \$
 WA 44 # # PUY # 100 MM# 21# # 17-0454-2 # ASE 719 021169-13201
 101 PR 294 AK 021169-1321 # SLD 50 HLR 21# # 65-3163-1# \$
 202 CGE 171 FL 021169-1322 # DAVE K RE 66-5453-1 PLS REDEEM 1250 WALLACE CORP 6%/75# THX LUDWIG# \$
 680 SVR 1721 CCAP 021169-1321 # FA-REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# ASE 189 FA # BUY # 100 AZ 6 # GTC #
 3050-1 #
 320 DF INTC 0-255 0
 182 HEND 122 RD 021169-1321 # BUY# 1000 CLL 78# GTC# 4877-1# 1000 78# \$
 219 RL 336 AM 021169-1320 # BOT 100 GM 80# WEH# \$
 2112 EXT 336 AM 021169-1320 RL # BOT 100 GM 80# WEH# \$
 191 CM# 16# KB UKU 021169-1320 # SL# 56 T MKT# 40 5172-1# 16 5173-1# TH \$
 PT 218 # PUY# 25 ACT MKT# 7696-1# CFN 25# # AC 761 021169-1320A
 71 GX 281 AM 021169-1321 # SLD# 500 KFC 45# ON 4 LTH# 1 CJ 2 JHO 2#
 06 PX 0 WRG NS 021169-1321 # ARGYES# BANTEP IND NO MKT#
 692 CRD 105 KY 021169-1321 # SCHWARTZ# WJAT PAPERS NECY FOR SALE OF IC DEC IT IS ESTATE# WE HV ORDER SETTING ASTOE
 PROPERTY IN LIEF OF JAMESSTAD# VI KM# #
 0X 192 # SL# 200 SIU MKT# CXL 11# 4027-1# 200# # AC 162 021169-13215
 230 PL 285 AM 021169-1321 # BOT# 300 CAF 63# M\$
 2313 EXT 302 XW 021169-1320 TL # BOT 100 CW 25 # 251#XXXX 25- # 6068-IT# DOR \$
 320 DF INTC 0-255 0
 175 TL 303 XW 021169-1320 # BOT 200 CW 25 # 25- # 1745-IT# DOR \$
 2314 EXT 293 AV 021169-1320 DU # BOT 100 GTY 43# DU 126# FPS
 70 GX 0 BK NS 021169-1320 # YR GX 73 # AND GX 74 # BUY 40 MIT#XXXXXXXXXX# BUY 40 MIC 30 OPNA IS THIS OLD OR HI# PLS
 REPLY J BK#
 146 SF 151 DF 021169-1321 # LAR# WE DONT HAVE TO WORK THE FRIDAY AFTER THIS CU WE # SR DFS
 RD 122 # BUY# 1000 CLL 78# GTC# 4877-1# 1000 78# # XW 585 021169-1321E
 06 SM 306 WFF 021169-1322 # BOT 80 USC 82# \$
 260 INJ 572 WRA 021169-1320 # BOT 200 ALDHA AIRLINES 56# 9464-1 \$
 55 NY 337 AM 021169-1321 # BOT 100 ACY 31# M\$
 2315 EXT 303 XW 021169-1320 TL # BOT 200 CW 25 # 25- # 1745-IT# DOR \$
 01 198 # PUY # 100 CM# 5# # GTC # 2050-1 # ASE 720 021169-13211

TICKER SYMBOL AR WIN NYSE STAN
 25 BAD 25 FF CRD 021369-0922 BUY 20 M ANHEVSE BOCH 6 92 92N 8411-1# 20 M# \$
 48 TAB 13 GX 021369-0922 COA 2-11 SLD 72 UNT PR 8 9010-1# SH BE 9910-1 DORN # \$
 2/13 922 END CF RELIEVAL TO TERM SNO
 63 SVR 363 CCAP 021369-0923 LA REJECT# 30 TWICE# LA 30 LA # GESUNDHEIT # \$
 923 END CF RELIEVAL TO TERM BRMD
 64 CRD 31 EV 021369-0922 DANIEL I FIGURE ACC 1357-1 HAS NET CREDIT OF \$3897 AFTER ALL TRADES MADE, I NOTE THAT
 THE SALE OF 100 JN WHICH WE SOLD AT 80 WENT THRU YOUR DAILY RUN SHEETS AS ONLY THE FRAC OF - IN OTHER WORDS THEY LEFT
 THE \$8000.00 OFF WE HAVE ASKED SEV
 L TIMES THAT IT # BE CORRECTED BUT PERHAPS IT HAS NOT BEEN ACV DOUG EV# \$
 OS 4 # BUY# 100 PCP 50# GTCN 1492-1# 100# AC 72 021369-09220
 9 OA 26 WRD 021369-0923 ALL NYSE# ADMITTED TO DEALINGS# AMERICAN SMELTING REFINING CO COMMON STK WIN
 TICKER SYMBOL AR WIN NYSE STAN
 7 SX 0 YE NS 021369-0922 AT THE END OF THE YEAR WHEN WE HAVE A COUPLE THOUSAND# I JUST HOPE WE HIT IT LUCKY.
 LOVE BON# \$
 EL 4 # BUY# 100 GRI 71# 1808-1# 100# AC 73 021369-09220
 26 BAD 14 US GRD 021369-0922 BUY# 3M PUBLIC SERVICE OF OKLA 7- OF 99 99# US 2376-1 TH 3M# \$
 13 SF 17 DF 021369-0922 BUY# 30 BOHEMIS LUMBER 62 AGT # 3130-1# 30# \$
 25 STA 36 HS 021369-0922 CCA 2/7 SOLD 100 GOR 386 AND 10 GOR 38% 38-6665-1# SHLD BE 38-7233-1 PLS SCR BG HSN
 THIS SEC REC# \$
 DF 19 # SL# 300 PFG 22 # GTCN 1209-1# 300 # XH 27 021369-09230
 123 QTC 12 FX 021369-0922 PETER BERGGREN# SPACE CRAFT INC# FX# \$
 66 CRD 2 FL 021369-0922 LORE PLS CALL JIM KZLICK CHEM AND TEL HIM I SENT HIM FOLLOWING INX SLD FOR 2052 200 AM
 BOT 400 SWX SLD# FOR 9812 100 AM BOT 200 SWX CR OUR ACCT WITH THE DIFF# HPM# \$
 5 OR 26 WRD 021369-0923 ALL NYSE# ADMITTED TO DEALINGS# AMERICAN SMELTING REFINING CO COMMON STK WIN
 TICKER SYMBOL AR WIN NYSE STAN
 124 QTC 13 FX 021369-0922 ED BRIGANTE# GORMAN RUPP# FX# \$
 5 QJ 26 WRD 021369-0923 ALL NYSE# ADMITTED TO DEALINGS# AMERICAN SMELTING REFINING CO COMMON STK WIN
 TICKER SYMBOL AR WIN NYSE STAN
 67 CRD 24 BT 021369-0922 JAB CRD RE 3486-1 CK PD \$140 12-17 CIV CLM 200 L JK BT # \$
 104 QTC 6 HB 021369-0923 BUY GN NSE# BUY 1000 MMIC 3 # 60 5468-1# 1000 MMIC 3 \$
 FF 27 # SL# 200 SUK 20# 9868-1# 200# ASE 54 021369-0922
 125 QTC 9 FL 021369-0924 WORLD WIDE REALTY# INTL FLIGHT CATERERS# BARTEP IND# \$
 EL 3 # BUY# 19 ELG MKT# 3214-1# 18# NOL 87 021369-09220
 14 SF 25 WRD 021369-0923 BOB SF# NEED SM CFD FCR# NK DLVRY SHD IN SF BOX SHP HU# HANS CGE# \$
 16 NYC 2 TO 021369-0922 BUY# 2 CAK MAY MAINE POTATCES 360 STP# DAY# 210-7# CFM 2 260 STP# \$
 18 CGE 36 DC 021369-0922 NOBLE - RE MAD CPT DIV PAYABLE 3/15 PLS TAKE STK# AND ROUND OUT FOR 55-1133-162, PLS AC
 K RECEIPT SCOTT CC# \$
 NB 2 # SL# 25 UNR MKT# C592-2# NOL 88 021369-09238
 26 STA 37 HS 021369-0923 COA 2-5-69 BOT 10 HAL 45# FOR 0370-1# PLS CHGE TO READ 0370-2 AND SCR THIS SEC REC#
 THX HS# \$
 HU 5 # BUY# 100 CFY 63# GTCN 20 8544-1 # ASE 55 021369-09231
 49 TAB 14 GX 021369-0922 COA 2-11 SLD 200 UNT PR 8% 9010-1# SH BE 9910-1 DORN # \$
 68 CRD 3 FL 021369-0922 LORE ALSO FOR 2025 SLD 50M AM CCMN 39 AM PR REDUCE# HIS LCN WITH PRO PLS CFM HPM# \$
 5 QL 26 WRD 021369-0923 ALL NYSE# ADMITTED TO DEALINGS# AMERICAN SMELTING REFINING CO COMMON STK WIN
 TICKER SYMBOL AR WIN NYSE STAN
 69 CRD 20 FS 021369-0923 HARRY# WE R PAYING# 2370-1 713,48# 2369-1 7049,75# 1784-1 189183# ALL STOCKS IN# WALTER
 FS# \$
 50 TAB 25 BT 021369-0923 RE 3524-1 PLS EVEN CUT LG AND SHRT 6200 CS 3 JAN 77 # JK BT # \$

47 CCE 37 WH 021469-1004 # AIRLINE 2-11 ENJOY 3000 1000 1000
 WE HV NEVER RECD REPORT ON THIS SALE 2-13 DUGAN ASKED US TC WIRE U ABT IT WHERE# DO WE STAND LUNER WE WAIT WORKS THIS
 TEN CENT DEAL# GETS RITES IN ACCT# AD
 V JIM WH#
 31 DE 60 WRA 021469-1004 # MASER OPTICAL DK \$
 300 OTC 17 PE ORD 021469-1004 # SL# 200 AIRTRONICS INTERNATIONAL CORP OF FLORIDA 3# PE-1045-1# 200# \$
 17 SX 57 WRA 021469-1004 # GW 5--87 OLD 105-4# THD 5%-93 118-20# WSW 5%-92 123-6# PSI 5--88 123-5# AAE 5-92 103 -4#
 MGH 5-93 100-101# \$
 32 CN 7 XW 021469-1004 # RE J 824-3- 561C 7600 OPENED 83# REY BOTH CEF XW \$
 146 CPD 90 LS 021469-1004 # LEN# RE 4834-1 NO I OIONT WIRE DIV ERIC LS# \$
 SH 43 # BUY# 100 NII MKT# GTC# 09-0147-0 OTT# CLOSECUT 25 7-25-68# # AN 101 021469-10040
 239 QTC 24 KY 021469-1004 # PLS QTE# TRANSOCEAN OIL # FOR TRUST# ARM KY\$
 301 GTC 47 US USD 021469-1004 # SL# 50 SENECA OIL CO MKT# US 7192-1# \$
 38 SF 61 WRH 021469-1005 # BOB RE SYNTAX RITES BEING THEY EXPIRE# HERE IN NY 2-20 WHAT DAY IS LSAT DAY FOR TRAD
 ES IN SF# SCMTHING TELLS ME WE WILL HAVE PROBLEMS ADV# RAY CGEN#
 30 DE 651 CCAP 021469-1004 # DE REJECT# INCOMPLETE TRANSMISSION# ASE 30 DE # BUY# 100 SQN 31 OB# 4844-1# 100# \$
 240 GTC 35 OH 021469-1004 # QTE CURTLINE# JOE CH# \$
 28 BG 59 WRH 021469-1004 # BLYNN RE YOUR WIRE NOT CLEAR PLS REPEAT GN 4 M # PAW 4%-86 CONNIE BOND DEPTH \$
 004 TERM DE LINE 014 NO RESPONSE TO TSC
 15 CH 661 CCAP 021469-1005 # OH REJECT# 37 TWICEN BRM 37 CH# JACK TAYLOR RACE RACE# WHEN CAN WE EXPECT REPO
 RISE# ON 1000 BEEFLAND INTL ADV SAP#
 131 SVR 656 CCAP 021469-1004 # CO REJECT# NO ORDER PRICES# KAB THIS NUMBER# NRL 83 CD# BUY# 100 27# GTC# 100 37# -
 004 TRMLS DGMN DE PA GY PA PY PA
 13 KY 17 CY 021469-1006 # ARM LUMS INC 85-87# \$
 27 FND 32 BX 021469-1011 # MCEVGY 68-1705-1 208 HIT HVE STK BUT NOT SIGNED WILL# SHIP SAP BAKER BON \$
 72 LA 132 WRJ 021469-1006 # LCY # RACIX 24-6 SUB \$
 CE 30 # PGSS CUPE BUY# 100 SQN 31 OB# 4844-1# 100# # AC 178 021469-1005#
 004 TERM DE LINE 014 NOW RESPONDING
 147 CRD 22 EG 021469-1004 # JAB # RE 76-3852-2 RECD \$3298.00 YSTDY AFTN # JKS EGH \$
 9 BL 664 CCAP 021469-1005 # DL REJECT# OK WIRE CODE# DC EP BL# WASH ENGRGH HM BL# A
 004 TERM DE LINE 044 INTERCEPT START 0030 PRIOR# ITY
 241 QBN 10 RK 021469-1004 # RE OPENS# ADD BUY# 5M COMPUTER LEASING 6/87 AT 122 AS OF 2/12/69# SAL RK# \$
 004 END CF RELIEVAL TO TERM DE
 19 LS 37 FL 021469-1004 # PLS QTE PARTFP IND# THX FL# \$
 242 GTC 36 CH 021469-1004 # QTE SUN AIRLINES# JOE CH# \$
 KY 28 # BUY# 100 WWP MKT# 7528-1T # AM 118 021469-1006#
 12 CJ 5 AN 021469-1006 # SLD# 100 PRX 280# LVS 200 2846-2# WSS
 132 SVR 650 CCAP 021469-1004 # X# KAB 6
 23 CL 64 WRA 021469-1005 # ALORA AIRLINES 5--8 \$
 243 GTC 37 OP 021469-1004 # QTE EDUCRN# JOE OH# \$
 148 CRD 23 EG 021469-1005 # JAB # RE 3390-2 RECD \$2000.00 ON 2/11 BANK # JKS EGH \$
 22 CL 96 WRD 021469-1004 # HEN CL# RE 5M TSY BILLS DUE 4-10 CHGD 6.25 2M TSY BILLS 6-26 ETC# SE WOT U ME
 AN# DID ADJ 5M DU 3-27-69 NET IS# 4951.81 AND# 2M DU 6-26-69 NET IS 1944.22# WL ADJ 5M DU 4-10-69 #
 KG NET 4938.88# FRANK TAB# \$
 US 46 # SL# 50 AD MKT# 7192-1# # ASE 171 021469-1004E
 244 QBN 25 KY 021469-1004 # PLS QTE# SKC 5/92 # TRA 4/92 # FOR TRUST # ARM KY\$
 DU 33 # SL# 100 DYN 19-# DAY# CXL 18# DAY# 5437-1# 100# # ASE 172 021469-1004
 29 EG 101 WRD 021469-1005 # RAY BO# LST DAY FDS DU# 6667 6869 8954 ADV FISCHER CRD# \$
 245 OTC 10 CP 021469-1004 # TIZON CHEMICAL CP# \$
 2 DE 42 WRD 021469-1005 # SARAH ACCT 1225-1 AS OF 2-13 SLD 200 NRI 30 WE BUSTED# 100 SHRS NEW FIGS 6000.00#

16 EN 16 AA 021469-1008 # BOT 100 CFY 64# Q PKTN 3957-1# \$
 36 EXT 16 AA 021469-1008 # EN # BOT 100 CFY 64# Q PKTN 3957-1# \$
 20 PX 83 WRA 021469-1008 # BOT 200 GUARDIAN CHEM 10-# # 0764-1 \$
 7 HT 14 AM 021469-1018 # SLD 80 DEC 4,40 PRB 712# LVS 120# 30 LR 10 # 40 DCM#
 HU 54 # # SLN 100 TTI 72# # 4506-2# 100# AC 190 021469-10091
 38 KC 19 LY 021469-1011 # BOT 100 CPR 60 ON MKT THRU 9899850 PCX# 75-9070-1# \$
 262 QDN 32 DE 021469-1008 # MARJ QTE AGNICO MINES Z MKT DEN \$
 263 QTC 35 BL 021469-1008 # CONSOLIDATED HALLIKELL # DEXCON FOSTER GRANT# LIQUIDCNICS# PN BL# \$
 6 PS 0 WRG NS 021469-1009 # IVEY CORP 10--11- \$
 264 QTC 27 KM 021469-1009 # PLS QTE COLUMBIA CABLE SYSTEMS# BUSCH KM# \$
 LS 95 # BUY# 10 ACY MKTN GTC# 7488-1# # NOL 289 021469-1008
 13 BT 51 US 021469-1012 # AMY BT RE SZE NY TIMES ARTICLE YES PLS SEND COPY IF YOU # CAN SPARE ONE THANKS MACK US#
 78 LA 0 WRG NS 021469-1009 # RED# RE ANDOITE OF 12-20 CRIG INAL CRDE WAS 10W SFS BUT SHUD HAVE READ 100 SFS YOUR OF
 FICEN BUSTED THE 10 SHS AND GAVE ME A REPORT CN 100 SHS# BCB HU #
 41 CC 89 RA 021469-1009 # SLD 50 CAMIN LABS 152# # 6912-1 \$
 38 CMW 27 R3 CRD 021469-1009 # SL# 50 HU 44# 25 0171-1# 25 0172-1# \$
 37 EXT 17 AA 021469-1008 # BO # SLD 600 KLK 312# C PKTN 9500-1# \$
 EG 27 # BUY# 100 NRY 15 # 3277-1# 100# # ASE 185 021469-1009L
 27 KW 57 FA 021469-1021 # NATURIZER 12-2 # FA # \$
 26 SN 86 WRA 021469-1009 # BOT 500 KAY WINDSCR INDS A 16-# # 296-1 \$
 265 QTC 28 KM 021469-1009 # PLS QTE INDUSTRIAL AIR PRODUCTS# BUSCH KM# \$
 HU 55 # # SLN 50 IGL 23-# # 2998-2# NOL 290 021469-10091
 9 BX 685 CCAP 021469-1011 # BX KAB 31
 38 EXT 6 AM 021469-1009 # CO # BOT 100 HW 31 # PHS
 14 OF 683 CCAP 021469-1010 # OF KAB 39
 DU 35 # SLN 1000 CCB 722# DAY# CXL 732# DAY# 3016-1# 1000# # AV 93 021469-1009\$
 142 SVR 682 CCAP 021469-1010 # KC REJECT# 36 NUMBERS OMITTED# QTC 48 KA# ATTN PETE# BUY# 20 SCHICK INVESTMENT CO M
 KTH GTC# 9313-1# 20#
 7 NX 92 WRA 021469-1010 # SLD 30 RADIATION MACHINERY 64# # 3934-1 \$
 50 STA 30 CJ 021469-1009 # STEVE NOL# RE SOLD 80 CG 300 FIRST LCT SOLD 2-12# FA CJ# \$
 80 TAB 70 TL 021469-1009 # JIM - 4TH REQ# RE TRADE 2/5 BOT 10M L'S TSY BILLS 5-8-69 AT 98,5125# 70-7656-1 PLS ADV
 HCW TO FIGURE CCMISH ON THESE# U SHOW 12,50 BELIEVE SHUD BE ONLY 1,00 ADV# BARB TL# #
 38 BRN 10 KW 021469-1009 # JACK TAYLOR IND OF INT# 500 INTERCONTINENTAL CCMPUTING CN OFFGH GTC# 1041-1# 500# \$
 24 EV 8 AV 021469-1010 # SLD 100 DR 41 # WS
 58 BND 50 CN CRD 021469-1009 # SLN 4# UNITED GAS CORP 349 DUE 2-1-72 MKT# DAY# 90-0037-1# TR 1-47929# 4# \$
 24 LS 56 HU 021469-1009 # # JAN RE TROPICANA PRODCTS YR OFC CIRCLED TOT 100 ON OFFGH PLS ALLOCATE TO ACCS THAT NO
 SHOWN INT AND ADV TAYLOR#
 12 CC 6 AM 021469-1009 # BOT 100 HW 31 # PHS
 59 BND 51 CN CRD 021469-1009 # SLN 4# LONG ISLAND LIGHTING 349 DUE 12-1-76 MKT# DAY# 90-0037-1# TR 1-47929# 4# \$
 34 BO 33 FS 021469-1009 # PLS QUOTE//OPENINGS# CAMBRIDGE NUC# CRAMER ELECT# ADV/BARBARA# FS \$
 266 CTC 29 KM 021469-1009 # PLS QTE BUFFELS FONTEIN AND# DGGRN FONTEIN# BUSCH KM# \$
 009 IRMLS DCWN GY PA PY PA
 18 SX C FS NS 021469-1009 # AND I HOPE IT U TOO HAVE A VERY NICE DAY,# KEVIN AND I R GG OUT AGAIN TONITE,# NOT DO
 U HAVE PLANNED FOR THE WK END# BESIDES STUDYING,# DID UR WIFE GIVE U A CARD FOR VALENTINES DAY,# DID U GIVE HER ONE,# LU
 V YAN BARE#
 8 SP 15 WRF IGN 021469-1011 # SLD 15 MIC 300# AS OF 2/13# \$
 47 SF 38 FL 021469-1010 # PLS QTE BARTER IND# THX FL# \$

RA 91 # BUY# 50 MLR 294# C95C-1W 50# # NOL 823 022669-1311#
 GO-CN-207-WHO 022669-1312# GUYON KE MIX DIFF BARICER INDUST AND DART INDUST PPO FYTH IN THE BODY OF STOCK READS
 COMMON BUY ACKNOOS FACE 01# CTF SHOWS PREFERRED WILL ADJ TO COMMON# WEIZEN TAB# #
 WA 54 # # BUY# 75 14 100 # # 17-1685-1W # # NOL-824-022669-1311A
 317 TAH 237 CN 022669-1311 # LCL 14# 5 PN 243# B 98-9990 S 90-7161-1...# \$
 610 EDP 502 ZA 022669-1311# SOLD 100 GVL27# # GX-8364-2#
 2314 EXT 502 ZA 022669-1311 EDP # SOLD 100 GVL27# # GX-8364-2#
 101-DL-0-WRG NS-022669-1312# TER# CKE-509-992-100# \$
 14 BK 123 DE 022669-1312 # RE REPORT 180 RK # BOT 33 AR 772- # ADV IF CQT PX SHOULD BE 72- # DE ACCT 0051-1 # DE
 GX 100 # BUY# 300 RJR 40- # 6343-1W 300 # # AM 464 022669-1312
 150 HEND 125 EN 022669-1312# SL# 500 DAX-43# GTC# 1927-2W 500# \$
 611 EDP 503 ZA 022669-1312 # BOT 100 INA 41G # PS-0846-1#
 2315-EXT-250-AA-022669-1311 LS # BOT 100 DL 157# 7367-1W \$
 148 LS 219 AC 022669-1317 # BOT 100 ALI 6 # 2645-1W \$
 2316 EXT 503 ZA 022669-1312-FDP # BOT 100 INA 41G # PS-0846-1#
 63 AT 212 AC 022669-1312 # BOT 5 NYT 292# 3517-1W \$
 146 SF 404 WPA 022669-1312 # BOT 4M RVO 62-92-110# # 1515-1T \$
 132 PT 0 WRG NS 022669-1312 # MASTER ELECTRONICS 1--# GAKRIDGE HOLDING 2 --# GOES TO LOCKWOOD PT \$
 318-TAN-238-CN-022669-1312 # LCL 15# 10 RTN 402# # RN 5170-1 S 98-9990...# \$
 EN 125 # SL# 500 DAX 43# GTC# 1927-2W 500# # AM 465 022669-1312E
 572 QTC 147 KY 022669-1313 # HARV PES CTE# OHIO ART CO # NEW ISSUE TODAY # TENGES KYS
 BR 278 # CXL SL# 200 SIU 14G# GTC# CXL 200 14G# # AV 314 022669-13120
 HU 185 # SL# 50 GS-NKTN CXL 52 # DAY# 42PR-1# NOL-825-022669-13124
 612 EDP 504 ZA 022669-1312 # BOT 100 ZE 52- # DL-2340-2#
 2317-EXT-504-ZA-022669-1312 EDP # BOT 100 ZE 52- # DL-2340-2#
 TL 173 # BUY# 200 AIP 6# GTC# 7166-1W 200# # ASE 539 022669-1312C
 146 LS 206 WHO 022669-1312 # RICK# HIRED-1 AM SHIPING LARSEN IND ONLY# HAVENT PAWNEE STK AROUND# NEWMAN CGE# \$
 147 SF 138 SN 022669-1312 # LES RE BUY 25 AMER FOREST PRODS 69 GTC# 896-1 NOTE HAS 68 BID ANYTHING DONE O SN# \$
 142 CNU 8 WRG 022669-1312 # RACE# PLS CXL SL 120 PETER EXHRICH 23 ENT0 DAY ODA AND# CFM THNX HARV OTC \$
 129 PX 374 WFF 022669-1312 # SL# 50 NCD 10 # O MKTK PX-98-C130-C \$
 613 EDP 505 ZA 022669-1317 # SOLD 200 PG 82 # PX-3565-1#
 2318 EXT 260 XH 022669-1312 HS # BOT 100 TO 31# HS 31# EFH \$
 148 SF 0 FS HS 022669-1312 # L A W R E N C E SIMENSON # THATS UNCALLED FOR,,, # GEE/ U DONT HAVE TO GO THAT FAR,,,,
 # HEE HEE#
 149 SF 135 SN 022669-1312 # BUY# 10 STY 35# GTC# 681-1W 10# \$
 133 PT 407 WRA 022669-1312 # SL# 9 CORP S 32# # 5480-1 \$
 665 OTC 72 AR 022669-1312 # BUY# 17# 91 DAY 15# ULLS MKT# DAY# 1181-1W 17# \$
 666 OTC 71 NY 022669-1312 # SL# 100 JERGENS 44# GTC# NH 2319-1# \$
 312 END OF RETRIEVAL TO TERM SVR
 319 TAH 239 CN 022669-1312 # LCL 14# 100 ACP 230# # 90-3608-1 S 98-9990...# \$
 217 KC 416 WRA 022669-1313 # BOT 56 TRANS CONTL GAS PIPE LINE MKT# MKT 20 # D CROER CXL# SEE MEMO 369 \$
 207 HU 405 WRA 022669-1312 # BOT 1M TRA 442 91# LVS 11 # GTC# # 1134-1 \$
 91 RD 125 CY 022669-1312 # LORU RD PART 2# WHEN THEY RETURNED TO US IT WAS AT# LEAST 60 DAYS OLD, WE NOW HV TO PK
 DIVIDEND CLAIM AGNST# THIS 40 SHRS OF STOK, HOW MUCH LONGER MUST WE HOLD TILL# WE GET PROPER DOCUMENTATION TO TAKE OUT
 OF NAME# BILL ENDT#
 96 HS 188 BK 022669-1314 # BOT 50 GUL 29 # 5568-2# \$
 2319 EXT 327 AM 022669-1312 # RL# # SL# 100 TIC 34# # RS
 122 H 405 WPA 022669-1312 # BOT 110 AMERICAN ELFC LABS 14# # 7197-1 \$

6 CO O WRH NS 022769-0916 * RESEARCH REPORT FEBRUARY 26 1969 NATIONAL VIDEO CORP THIS COMPANY HAS ANNOUNCED THAT IT IS QUITTING * OPERATING AND REPORTS LARGE LOSSES THIS STOCK WHICH * SOLD AS HIGH AS \$120 PER SHARE IN 1966 CLOSE

AT 12:30 LAST THURSDAY TRADING HAS BEEN SUSPENDED * UNTIL FURTHER NOTICE WE DO NOT KNOW WHAT THE ULTIMATE OUTCOME WILL BE AND CAN NOT MAKE ANY * RECO

RECOMMENDATION AT THIS TIME INASMUCH AS I

IT IS NOT * POSSIBLE TO TRADE THE SHARES * CHARLES N MORGAN JR C F A * RESEARCH DEPARTMENT *

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29 TAB 26 LA 022769-0917 * COA 2ND REQ AD 2-6-67-5614-1 SLO 40 BELL ELECTRONIC CORP 15-4 COT ACCT SMUD BE 47-5617

1 PLS COT AND ALV I FIX HERE ONLY ---ADVISE--- RED LAM *

7 CHC WRH NS 022769-0916 * RESEARCH REPORT FEBRUARY 26 1969 NATIONAL VIDEO CORP THIS COMPANY HAS ANNOUNCED THAT IT IS QUITTING * OPERATING AND REPORTS LARGE LOSSES THIS STOCK WHICH * SOLD AS HIGH AS \$120 PER SHARE IN 1966 CLOSE

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IT IS NOT * POSSIBLE TO TRADE THE SHARES * CHARLES N MORGAN JR C F A * RESEARCH DEPARTMENT *

72 QTC 8 US WRE 022769-0917 * SLV 1400 LIBERTY INVESTORS LIFE INS TULSA OK CTN US 7291-1A 1400 *

13 FS 0 TE NS 022769-0914 * I DONT RELISH LISTENING TO ANY NEWS ON VIET NAM* SORRY BOUT THAT, * S

2 FL 8 WRE 022769-0917 * DTE 022769-0917 * ALSO UR OPINION * JOE DHA *

2 DC 55 WRE 022769-0917 * DTE 022769-0917 * PYMT DUE 2/28 PLS COLLECT AND ADV * 0521-1 \$2C77.67 * 0767-1 \$7696.82 * 4866-1 \$4

49.57 * 5101-1 * 1805.20 * SUSS CRD *

2 NH 6 WRE 022769-0918 * RUTH PE YOUR WIRE YEST REGARDING 4RD LTV WHT* DO YOU WANT TO KNOW ABOUT IT IF YOU ARE

REFERRING TO AN ADJUSTMENT TO PRICE PER CUSTOMER THEN IT IS UP TO YOUR OFFICE TO MAKE THE ADJUSTMENT UNY*

1 CO 8 WRE 022769-0917 * VERA LEGAL TFR CK * 110 CALHOUN INVESTMENT CO 26-0225-1 SCHWARTZ CGES

1 CJ 9 WRE 022769-0917 * JONES LEGAL TFR CK * 50 UNITED AIR LINES 25-939T-1 * SCHWARTZ CGES

7 CN 1 PZ 022769-0916 * STAT - SCPN 636-417-1498-1528-1920-1934-1950-1965K-2201-2472-3689-4 3864-4344-4430K-4430P

48755-7807-8540-9437 * PZ *

2 HS 6 WRE 022769-0917 * DOW LEGAL TFR CK * 10000 CANADIAN HEMSTEAD OILS LTD 38-6062-2 * 30 SINCLAIR VENEZUELAN

CIL CO 30-0775-1 * SCHWARTZ CGES

13 LS 0 WRE 022769-0925 * JCANNE * 1 48-94 72-35

1 WH 5 KW 022769-0916 * TOMORROW 1/28 IS FIRST INTENTION DAY ON KC MCH WHT* KC WORKS DIFFERENT THAN CHGO IF Y

YOU DONT SELL OUT ANDY REDELIVER IN TIME YOU CAN BE HOCKED FOR EXTRA COM* PLS TRY TO GET YOUR CUST OUT TODAY - THXS* DAY

KW *

6 DS 0 WRE 022769-0914 * QPN 2 25W OUT BUY* 100 SCUTH LAND PAPER 50W RNY*

2 CL 5 KW 022769-0919 * TOMORROW 1/28 IS FIRST INTENTION DAY ON KC MCH WHT* KC WORKS DIFFERENT THAN CHGO IF Y

YOU DONT SELL OUT ANDY REDELIVER IN TIME YOU CAN BE HOCKED FOR EXTRA COM* PLS TRY TO GET YOUR CUST OUT TODAY - THXS* DAY

KW *

1 FL 10 WRE 022769-0918 * KRIZ LEGAL TFR CK * 520 TRANS WORLD AIRLINES 23-3471-1 * 25 SIGNODE CORP 23-8399-1 * 5

78 TRANS WORLD AIRLINES 23-3472-1 * SCHWARTZ CGES

4 TO 5 WRE 022769-0914 * JA LEGAL TFR CK * 50 CROWN ZELLERBACH CORP 45-3102-1 * 100 SAFEWAY STORES 45-1102-1 S

SCHWARTZ CGES

49 QTC 29 KC 022769-0916 * GREAT PLAINS DEVN RENCN *

1 KM 2 WRE 022769-0920 * BUSCHA RE YOUR REQUEST FOR RPO* PLS SEE OFFICE MEMOPANDUM 398* CHARLTON REYNOLDERS JR *

2 EG 0 WRE 022769-0918 * IN YA OPNS* YOU FL OUT BUY* 17M PC 5/2013 682W RNY*

FF 0 WRE 022769-0919 * IN YA OPNS* YOU FL OUT BUY* 17M PC 5/2013 682W RNY*

15 * WRE 022769-0919 * IN YA OPNS* YOU FL OUT BUY* 17M PC 5/2013 682W RNY*

12X # SINCLAIR OIL CV 4 RD JED FL LA #
 6 DRN C WPG NS 022769-0919 # IN YA OPN YCU FL CUT# BUY 64 TRA 402 MKT# NAYS
 79 DTC 7 MO ORD 022769-0919 # SL# 100 ELECTRONIC CONTROL SYSTEM FAIRMONT W VA 9# 9804-1# 100# \$
 16 STA 9 SM 022769-0919 # WPT STATUS# SELL 25 STP MKT # AS OF 2/26/69 OUR NDR 147# SM# \$
 5 FF 1 WPG 022769-0919 # JOHN HOWATT# BUY 35 AVNET USING CASH IN ACCOUNT SELL # 100 AVNET AT 34 AND 0 TO CLEAR MA
 9 GIN# ACCOUNT# MARGOSHEFS 21-7694-19# PLS ACK# ERNEY HU #
 40 DTC 23 CL 022769-0919 # TO 13-13# BUY# 100 AMERICAN FURNITURE CO 13# CL 3935-1# \$
 100 11 # BUY# 200 CLD MKT# 7569-1- TH 200# # ASE 34 022769-0920
 5A CRD 6 LD 022769-0919 # SEVP# RE 0156-1 AND 0445-1 BOTH SLD SYN RTS YDA # THANKS ELLY LD # \$
 PL 4 # BUY# 200 UP 04 9# # 7940-1 # 200 # # AM 36 022769-0920
 13 LA 52 WJ 022769-0919 # ED # RE 327-1 RECD DUP THE INX ON FOLLOWING 200 FOUNDATION # LIFE INS NAME TERAJI 50 NA
 ME GOMEZ # FURTHERMORE ACCT NOT LONG STOCK # WSD CRD #
 19 STA 11 DE 022769-0919 # STEVE RE SLD 55 FT 37# YES FOR ACCT 00-0347-1# CRDR WAS FOR TOTAL 100 & 55 BILLED OCT
 OK WITH 0347-1# BY BOTH END LOT AND OOD LOT# FFD# #
 8 FND 4 DE 022769-0921 # SL# 75 DIVSIFIED GROWTH STK FUND MKT # GTC # 3407-1 # RE HVE STK IN OUR POSSESSION # NAW
 OF MICHAEL BOOTH CUST F04 ELLEN MARY BOOTH # 75 #
 4 PL 025 NS 022769-0919 # CV# DID U HR ANY MORE NEWS ABOUT GIGI# ADV PLS# NARB#
 81 DTC 9 US ORD 022769-0919 # SL# 500 MALL CITY PETROLEUMS 4 US FDS# US CITIZEN# US 0601-1# 500 # \$
 15 LA 5 TO 022769-0922 # SCH 50 GUENTHER SYSTEMS 14# GTC# 699-1# CFM 50 14# \$
 81 ON 27 FL 022769-0924 # JOE RE BARTER SEC SUSPENDED NO OPIN FL# \$
 7 BEX 18 PT 022769-0924 # ATTN J TAYLOR INDICATION OF INT# 500 MARK TRAIN MARTINE INC ON OPRG# BY DEMPSEY TEGELER#
 6217-11# 500# \$
 22 CSC 0 FS NS 022769-0919 # EDM# DIIHH# IT WAS A BEAUTIFUL WIFE FOR WALTER# INX ED/HE GETS A BIG CHARGE OUTTA #
 MEM ALL# BARR FSE
 30 TAB 12 DE 022769-0921 # FRANK SEE PAGE CFM YSTDY 2 /26# OCT CON SUPERIOR OIL LTD ACCOUNT CALL 100 CDS # EXP DA
 TE 9/5/69 FOR 00-2794-2 RICH NO PRICE APPEARS ON THIS CONFIRMATION SHOULD SHOW PRICE# OF 45# ILL FIX MY RECORDS HERE EED
 E# #
 10 WRS 1 DE 022769-0920 # GOOD MORNING # SR DF#
 14 FS 0 SA NS 022769-0920 # BARR# THAT WAS GREAT WISH I CUD HAVE THEM IN PERSON SOMEDAY# SO WE WILL MAKE THEM LON
 G LASTING# THANKS LOVER XXXXXXXX# XXXXXXXX# LEO SX# #
 16 WEND 14 PR 022769-0921 # BUY# 500 RIN 3# GTC DNR# CXL BUY# 500 RIN 3# GTC# 65-3750-1# 500# \$
 10 PT 0 WPG NS 022769-0924 # RE BUY 2# SCH SF CONV 5#-RR 105# SLD AT 105# AND OF US LAST 106# NOTHIND DONES
 82 DTC 10 US ORD 022769-0919 # BUY# 2# PUBLIC SERVICE OF OKLA# 7-99 100# GTC# US 0514-1 TH 2# \$
 6 TO 54 WJ 022769-0920 # MW # RE 2176-1 CK PAID OUT TO CLIENT FOR # 53769.36 WHEN CLIENT ONLY HAD \$1439.36 # CRE
 DIT BAL LEAVING NDH A DEBIT IN# CASH ACCT FOR 52330.00 PLS GET BACK # CK PAID OUT TO CLIENT ON 2/26 INX # CARL CRD #
 54 CRD 17 SX 022769-0919 # PLS OTF# NP 3/2647# ERIE 3 /2000# ERIE 3 /1900 JED NELS SX# \$
 CL 27 # CXL SCH 1# A7P 26# GTC# 3935-2# CXL# # X# 31 022769-0920
 57 CRD 24 UC 022769-0919 # SUSS - OKP 0303-1 11043.37 ANITA DC# \$
 HQ 10 # BUY# 25 FS MKT# 20-1# 25# # NOL 68 022769-0919#
 23 CSC 1 FX 022769-0920 # GOOD MORNING# J FX# \$
 58 CRD 25 DC 022769-0920 # SUSS - OKP 4240-1 CR BAL AFTER 1/13/69 TSY BILLS# ROLLED ANITA DC# \$
 83 DTC 11 US ORD 022769-0920 # BUY# 200 FOUR SEASONS EQUITIES 20 # DR# US 4277-1# 200 # \$
 NO 2# BUY# 1# CXL VRT# 31# 1# NO# 69 022769-0920#
 1 OA 59 WJ 022769-0921 # KATHY 0916-1 # SHOW NO TRADE OF 50 CESSNA AIRCRAFT FOR 1538.94 PLS ADV # BUD CRD \$
 OF 3 # BUY # 100 LTV 74 # 2592-1-TH 100 # AV 20 022769-0920#
 55 DTC 27 CL 022769-0920 # 07E CAPTAIN INTL INDS CL# \$
 59 CRD 26 DC 022769-0920 # SUSS - OKP 3995-1 52399.54# 5556-1 5288.19 ANITA DC# \$
 4 SHD 4 CO 022769-0936 # SL # 100 LTL WS MKT # 25 SAME TRADE # GTC # CXL SL # 100 LTL WS 7# 25 SAME TRADE # GT
 C# GUTPAINE WERTER IN BOSTON # DONALD D VAN ACCT NBR 92546 HOLD FUNDS # 100 25 # \$
 84 DTC 12 US CRD 022769-0920 # BUY# 300 FOUR SEASON EQUITIES 11# US 1596-1# 300 # \$

EXHIBIT C--COPY OF ADMINISTRATIVE MESSAGE ANNEXED TO
AFFIDAVIT OF MICHAEL J. MC ALLISTER

234 GC 347 WFF ICA 012769-1258 # BNT 50 KU 44 # AS CF 1/24# GC-9684-13
 500 EDP 432 ZA 012769-1258 # BNT 100 T 52# # GC-4280-13
 2401 EXT 432 ZA 012769-1258 IND # BNT 100 T 52# # GC-4280-13
 313 STA 106 CD 012769-1259 # DONG OK AYS RE 600 F 496 I NEVER SAW MESSAGE CN IT KEN CC# #
 124 SF H3 UA 012769-1259 # DUBIE PLS# OPTICAL COATING# CAN #
 25 BK 1744 CCAP 012769-1258 # BK REJECT# MISPLACED FIGS S CR AHEAD CDDF CR CR CR LF# EV 154#/////////
 697 SVR 1744 CCAP 012769-1258 # BK REJECT# MISPLACED FIGS S CR AHEAD CODE CR CR CR LF# EV 154#/////////
 BU 177 # RUY # 500 ALI 6# # GTC # 5052-1 # SC#763 # # AC 635 012769-1259
 235 GC 348 WFF ICA 012769-1258 # BNT 20 KU 44 # AS OF 1/24# # GC-9027-13
 501 EDP 433 ZA 012769-1258 # SOLD 400 FFS 23 # DE-1959-26
 2402 EXT 433 ZA 012769-1258 EDP # SOLD 400 FFS 23 # DE-1959-26
 * 777 UTC 232 CN 012769-1259 # SEE UR 403 WRA SL 500 BARTER IND 5# CRIG LD 4865-1 REPORT TO OTC NY# PLS CXL HERE IT
 S ALL-HU JENCK# #
 KM 101 # SL# 17 HLL #KT# 4123-1# 17 MKT# # ACL 938 012769-1259
 698 SVR 1746 CCAP 012769-1258 # WRF REJECT# 349 TWICE# GC 348 WRF ICA# BNT 20 KU 44 # AS OF 1/24# GC-9027-13
 130 CC 140 CY 012769-1258 # CF# SL# 50 AND 202# #
 2E LY 0 WFF NS 012769-1258 # DIGNI REC YR QTE# PLS CCL IN WFF C CTF# FTR# THX BILL WRF#
 517 CND 144 HS 012769-1258 # GRC HU RE 3E-6743-1 PLS ADV IF U CAN KILL TSFR OF 300# WESS OIL C CHEM DO 1-13
 STK SOLD 1-24 ADV #M# #
 85 # 415 AK 012769-1303 # 01 #/// ACT 20 GP 892# 6114-1#
 236 GC 349 WFF ICA 012769-1258 # BNT 15 KU 44 # AS OF 1/24# # GC-4848-13
 RTA156 CSC 64 AX 012769-1302 # JAMES GRESHAM# HAPPY HAPPY BIRTHDAY# GOD BLESS U AND MANY MORE# LUCILLE NY# #
 502 EDP 0 ZA NS 012769-1258 # BCT 100 MGN 40# # GC-9271-2 50# GC-9272-2 50# #
 2403 EXT 0 ZA NS 012769-1258 EDP # BCT 100 MGN 40# # GC-9271-2 50# GC-9272-2 50# #
 RD 126 # RUY# ICA #M# # 0052-1# # AP 508 012769-1258
 105 SF 0 WFF NS 012769-1258 # AG# CENTRAL PAT FRW VOL 170CN HI 1,28# LCH AND LAST 2,22# CLOSING QTE 2,C-26# MARJ T
 R#
 74 TD 136 SX 012769-1258 # PHIL# COASTAL CARIBBEAN 2-- LAST# PANCOASTAL ALL FU SX# #
 123 P2 266 WRC 012769-1304 # SUSIE RE BK #32 YR STARTING MAL CF 11 791,49 IS OK# RAY TAB#
 72 PGS 104 HU 012769-1258 # MULLINS ASSIGN# 41-7528-08# DR G RICHARD HYRE# MRS PATRICIA B HYRE# 2851 THIRD AV
 E# HUNTINGTON VA F# #
 503 EDP 434 ZA 012769-1258 # SOLD 100 FFS 23 # DE-1959-21
 2404 EXT 434 ZA 012769-1258 EDP # SOLD 100 FFS 23 # DE-1959-21
 730 CTC 39 PE 0 012769-1259 # GLENTHER SYSTEMS# PE# #
 504 EDP 0 ZA NS 012769-1258 # SL# 100 KOP 42# # C3-C100-0# #
 2405 EXT 0 ZA NS 012769-1258 EDP # SL# 100 KOP 42# # C3-C100-0# #
 118 EV 141 CY 012769-1258 # BNT 7A/0 T 22 7 # 5# US TSY 65 8-15-65 100 2732# # EV 1393-1# #
 94 SP 200 AB 012769-1300 # BNT 200 RCY 62# # SM 44# #
 H5 US 0 WRC NS 012769-1300 # X 483 72 # 7 25 X 11# PC PAC 4--90 44 -5,1 X 14#
 106 LA 0 WRC NS 012769-1259 # 5# # NORTHGATE EXPLOPATRICIUS# 182-19-#
 300 END OF RETRIEVAL IT YER# FA
 505 EDP 435 ZA 012769-1258 # BNT 100 PP 27 # GC-9810-14
 2406 EXT 435 ZA 012769-1258 EDP # BNT 100 PP 27 # GC-9810-14
 116 SV 90 LY 012769-1259 # VENUS DRUG 3#-4# PAC TRANSP 4#-5# HS FEARLESS 4#-5# INTL BOOK 21-22# LA AIRWAYS 8--9-#
 FINE CP CF 4#12 10-2# TOYOTA MTR 77-85# CALIF LF INS 24-26# SUN TV 114-12# #
 506 EDP 0 ZA NS 012769-1259 # BCT 200 KN 51 # DE-1959-2# #
 2407 EXT 257 AN 012769-1258 CN # LITA LNO SUN PFD 56# LVS 200 CN 228# REN#
 147 FF 426 WRA 012769-1302 # PE PUY 55 CITIZENS UTIL 28# CLASS A GR H ADV JIM CTC #
 AX 60 # RUY# ICA #M# # 0052-1# # AP 508 012769-1258

EXHIBIT D--BALANCE OF 29 MESSAGES PRODUCED THROUGH SEARCH
ANNEXED TO AFFIDAVIT OF MICHAEL J. MC ALLISTER

00271241 -6199-1# 100-2095-1

00471241 145 GC 441 WRA 121968-1241 # BOT 100 SFM CORP 41# # 5088-1 #

00661241 61 LD 1550 CCAP 121968-1241 # LD-KAB-82

01561240 2463 EXT 324 ZA 121968-1240 EDP # BOT 100 AGD 35 # PB 0739-13

01531240 516 EDP 325 ZA 121968-1240 # BOT 100 BMR 29 # SN 1879-13

01561240 2464 EXT 325 ZA 121968-1240 EDP # BOT 100 BMR 29 # SN 1879-13

01381240 OH 102 # SL# 90 HBA 224# DAY# 1702-1# 90# # ASE 1141 121968-1240

01641240 HQ 107 # GUY# 20 EAL 29# 7001-1# OB# 200# # NCL 958 121968-12402

00191240 185 NC 394 AM 121968-1240 # SLD 100 GW 512# HIRZ#

01451240 200 CGE 118 FL 121968-1240 # SHYTHE RYW BARTER INO SECUMBE TFR LTD IS NOT# TFR AGENT ITS REGISTER A
ND TFR CU 15 EXCHAN

01451240 GEN PLACE JERSEY CITY THEY MUST HVE URSTK LIL# WD

00371242 120 PT 77 TO 121968-1242 # DO YOU HAVE A QUOTE ON GRESNET EAGLE OIL ON SALT LAKE EX# GPH 10#

00261242 201 CN 285 BHM 121968-1242 # RE 9999 FULLER LABS OFFD 12 17 AT 12 ALL SOLD# JACK TAYLORS

01671241 820 DIC 198 FA ORD 121968-1241 # SL# 1000 SISKON CORP 4# CXL 46# 1274-1# 1 MW #

01691241 60 POS 109 CJ 121968-1241 # MULLINS MAIL HUN# PLS CHANGE ACCT 25 6669 08 TO READV 718-18-4950# PARKE
R H, PIERATT# 711

01691241 DEACON STREET# ST, ALBANS WEST VA 25177# PIERATT# #

01531240 517 EDP 326 ZA 121968-1240 # SOLD 100 CCG 690 # 98-0147-05

01561240 2465 EXT 360 ZB 121968-1240 PD # BOT 100 AGD 35# PD 0404 23

00761242 43 NX 301 AA 121968-1242 # BOT 200 TST 7# GTC# 8360-1#

01561240 2466 EXT 394 AM 121968-1240 NC # SLD 100 GW 512# HIRZ#

00191240 185 NC 394 AM 121968-1240 # SLD 100 GW 512# HIRZ#

12/19

00081356 DA 125 W SLW 100 SHS MKT# DAY# 3145-2# 100# W AV 477 121968-1356

01381355 FX 100 W BUY# 300 PCG PRA 24# 67 ON PURCH# CIE IF UNABLE# DAY# 4805-11# 300 67# W ASE 1411

01381355 121968-1355G

00421357 98 FL 26A WRH 121968-1357 # LIL RE BAKTEP INDW ALL CUR STKS WAS SHIPPED TO SECURITIES# TRAKS
FER TLD ON 10-29

00421357 # 10-31 11-8 11-11 11-14# 11-26 12-4# PLS ASK WHEN WHAT THEY DID WITH IT# REGISTRAR
AND TRANSFER SAY THEY DO NOT HAVE# SHYTHE CGEN #

01141356 35 RK 353 AB 121968-1356 # BOT 50 EXU 24 # Q PKT# 0086-1#

01561355 3404 EXT 532 AB 121968-1355 MU# W SOLD 200 SAY 7# W HU 361#

01641356 OH 124 # BUY# 3 CCN RT MKT# DAY# 3698-2# 3 RT# W NCL 1136 121968-1356T

00411358 131 FF 322 AM 121968-1358 # BOT 100 APK 396# FF237 # 0753-2# LVS200# DMS

01561355 3405 EXT 369 AV 121968-1355 OA# W BCT 100 STU 15# W 9875-1# W#

01821356 299 TAB 288 CN 121968-1356 # PARENT 12-17 ACTUAL LCL 25 DATE BOT 40 OXY AT 466# RB 4308-1 SOLD 58-5
990-0 TRADE DOES NO

01821356 T SHOW ON# 98-9990-0 SHEETS U MAY HAVE BN WIRED ON THIS SC IF# U ADDED TO 98-9990-0 SHEETS DIS THIS
WIRE THANKS PENN# WR

01821356 300 TAB 156 WH 121968-1356 # FRANK PLS SEND FIGS RE SOLD 100 YD 486 FOR 0634-2 # 12-16 # THEY BLSTE
D THE PRICE AT 496

01821356 # # PLS ADV LUCY WH#L

00821357 44 PE 265 WRH 121968-1357 # BAPD RE AGGT 11 6302 1 OK PAY 150.00# ALEX CLK#

01381356 DS 136 # BUY# 100 GFI 12# W CTC# 2899-1# 100# W ASE 1412 121968-1356S

01161357 143 SF 245 WRC 121968-1357 # BOB # RE 48-3427-1 ON 12/10 ISSUED # INXS EXCH 4000 BONNYVILLE OIL AND
RES # BAZ ERD #

01161444 159 SF 326 WRC 121968-1444 # 80B # RE 48-1847-1 OKP-500.00 ONLY # BAZ CRD 3

00061443 CU 74 # BUY # 100 RX 700 # 0139-2 # 100 # AN 545 121968-1443T

01381443 DS 149 # SLN 100 UFT MKT# 1492-14 100# # ASE 1837 121968-14430

00871445 203 PT 71 FND 121968-1445 # BUT 492 AFFILIATED FUND 10.18# LIND SOMERS# MIKE FALK FND# 3

01671443 1041 OTC 76 NH NH 121968-1443 # SLN 200 CLAYTON CORP 6 GTC# CXL# 200 CLAYTON 16# GTC# 19-0535-1# 3

01671444 1042 OTC 182 PL ORD 121968-1444 # SLN 200 STRATEGIC METALS RES 5 # CXL 5# # PL 1726-1 # 200 # 3

00571454 177 PZ 0 WRC NS 121968-1454 # CLGN RE 100 PAN ALASKA FISHERIES # 124 IS COTS

01151443 339 RL 445 AV 121968-1443 # SLD 300 BR 18 # DS

01561443 4121 EXT 303 AN 121968-1443 PZ # BOT# 100 CA 20 # LRS

01411444 422 HU 594 WRA 121968-1444 # BOT 500 REVENUE PROP 20# # GTC# # 8670-1 3

01451444 269 CGE 325 CH 121968-1444 # BAK DIV PART 2 110 SHRS, PLEASE CHECK WITH WEIJEN AND CFM OTTO

FINAL# 3

00571443 174 PZ 384 AN 121968-1443 # BOT# 100 IOL 19 # CDS

01561443 4122 EXT 445 AV 121968-1443 RL # SLD 300 BR 18 # DS

00471444 201 GC 386 AN 121968-1444 # BOT# 100 SRL 42 # EDJ3

01451444 267 CGE 165 FL 121968-1444 # SMYTHE BARTEP STK RECD AT TFR AGENT HE DLVD TO# BARTEP CORP WHO IN TLR

NIVE FORWARD THEM

01451444 IN LAST# 3 TO 4 WEEKS TO NEW TFR AGENT IN NJ LIL# NR

00591444 282 KC 105 KM 121968-1444 # PLS QUOTE COLUMBIA CABLE# BUSCH KM# 3

00261449 302 CN 465 BRM 121968-1449 # PENN# RE SL 2500 GD 46 NBR IS 20 0019 1# THE WHOLE ORDER IS SUBJECT TO

THE REDUCED COMMS

00261449 STONS AS# IT IS PART OF ANOTHER ORDER# FETH BRM# 1

01751444 340 RL 385 AN 121968-1444 # BOT# 100 SNK 25 # NL3

01561443 4123 EXT 605 AM 121968-1443 FF # BOT 100 UOP 38# LVS 2# HS

A 404

Exhibit D Annexed to Affidavit of Michael J. McAllister

01151335	253 RL 264 AV 011369-1335 # BOT 100 TLC 27# ED\$
01561335	2863 EXT 329 XW 011369-1335 SF # BOT 200 PCG 35# X- # SF 86# LR \$
01741335	720 QTC 158 FA 011369-1335 # QUOTE OKLA TPKE 4,70-2006 ALB FAS
00051335	FF 174 # BUY# 100 UFL 17# 3961-2# # AM 523 011369-13350
01511337	67 CSC 233 LA 011369-1337 ATTN TED G MIKE FALK GLENN THOMA VERN# ICA 1567-1713# ACK LA
01511337	# NT
00291338	199 DC 477 AA 011369-1338 # SLD 300 MBR 206# Q MKT# CPT# 2809-2# \$
01801335	361 STA 308 CD 011369-1335 # 3RD REQ- ANYTHIND DONE ON 143 UX SL 400 TII 41 64# ON SALE ON JNA 13 K
	EN CD# \$
01391335	276 BND 130 PL ORD 011369-1335 # SL# 40 M PN 4% OF 1-15-84 MKT# PL 3624-1 # 40 M # \$
01671335	774 QTC 215 PX 011369-1335 # SL# 270 BARTEP IND MKT# 3023-2# 270# MUST BE SOLD SELL OUT FOR MGN
	# \$
01641335	TL 220 # SL# 30 J 80# GTC# 9922-1# J# # NOL 1044 011369-1335W
01741335	721 QTC 159 FA 011369-1335 # QUOTE SUN AIRLINES ATTN BERGGREN# PLS QUOTE# FOR GOOD CLIENT FAS
01501335	729 CRD 128 BL 011369-1335 # RAY# ON 11-26 BOT 2 X 100 PRX 31% CUST SHEETS# SHOW 3 X 100 WHY HAV
	E SENT WIRES# ELSEW
01501335	HERE WITH NO REPLY# JIM BL# #N
01171335	114 SM 336 WRH 011369-1335 # RAMSEY I MADE A COMP BUST ON THIS 1-10-69# RE B 4 MAL # RICHIE
	TAB# \$
01171336	116 SM 1786 CCAP 011369-1336 # SM REJECT# 50 NUMBERS OMITTED# STA 188 SM# RPT STATUS /B# 50 ENG PKT
	# SM#

FUND WONT ACCEPT.

00871350 BANK MUST WRITE DIRECTLY TO# CHEMICAL BANK & TRUST CO PO BOX 3307 NYC NY 10008# MIKE FALK FND# NA

01561350 3095 EXT 396 AM 011369-1350 KY # SLD 100 REE 54# 1798-1# HNWS

00641350 140 KY 486 AK 011369-1350 # BOT 20 AUR 19 # 5826-1# \$

01561350 3096 EXT 325 AN 011369-1350 FL # RE SL 200 RHR 13# NOW WE KILL THIS# BUT ENTER RHP SOMEWHERE# ELS

E# \$

00881351 142 PX 487 WRA 011369-1351 # RE SL 270 BARTEP IND MKT# YOUR CXLO NO BID OFFERED AT 4# \$

00311356 54 DF 120 LY 011369-1356 # BUFF# ROYAL INNS OF AMERICA 30-2# \$

00421351 128 FL 42 FND 011369-1351 # CHILDS# RE STEIN ROE - AM TRYING TO GET INFO FROM CHICAGO, MIKE FALK F

NOW \$

01561350 3097 EXT 379 AB 011369-1350 OH # BOT 50 AGO A 6# Q PKT# 1436-1#

01991350 350 TERM BRM LINE 019 NO RESPONSE TO TSC #

00671350 193 LS 351 WRD 011369-1350 # ROB LS# 12-31 HALLMARK 6-69 DK# RCH# \$

00641351 141 KY 174 CY 011369-1351 # PURTELL# PENN ENGINEERING LISTED ASEN \$

00301351 124 DE 73 KA 011369-1351 # DE NYC # BOT .5 KC MARCH WHT 138 # 80-1165-9 THRU 98-1818-0 # KC # . \$

01561350 3098 EXT 350 XH 011369-1350 BL # SLD 200 MHS 34 # LVS 800# 7570-1# CJ \$

00671350 49 LY 488 ZB 011369-1350 # BOT 100 SWA 33# LVS 100# LY-4456-1#

01561350 3099 EXT 488 ZB 011369-1350 LY # BOT 100 SWA 33# LVS 100# LY-4456-1#

01261352 135 US 282 BK 011369-1352 # SLD 10 TG 34# 6419-1#

00051351 LS 258 # BUY# 100 TIC 32 # DAY# CXL# 31# DAY# 8202-1# # AM 555 011369-1351F

HU

20 EV 21 JO 020769-1008 # ALLIED FOODS 21-11 #
 60 LA 36 PT 020769-1008 # LA Q GENCE INDUSTRIES# COASTAL DYNAMICS# LNBPT# \$
 295 QBN 29 NB 020769-1008 # RACE PLS QTE ON STANDARD COMPUTER 5--82 PLS # RACE THX CATHERS ND# \$
 326 OTC 20 NH NH 020769-1008 # BUY# 80 PYROIL 18# DAY# 1037-1# 80 18# \$
 12 FL 141 WRD 020769-1008 # HAGER #. 9829-1 CR BAL AFTER YDA# TOES 19862,38 LOBE CR# \$
 25 SX 58 OA 020769-1008 # VACU DRY# \$
 154 CRD 25 LD 020769-1009 # SEMPEY # 9100-1 ADV TOTAL DEBIT # THANKS ELLY # \$ 2-7-69# OUR PRINTER I
 13 QM O CSC NS 020769-1008 # ALL WIRES - ALL BRANCH MANAGERS
 S TODAY MAILING A PROGRESS REPORT ON WARMACO, WE CALL# YOUR ATTENTION TO MEMO 250, PLEASE NOTIFY ALL REGD REPS IN YOU
 R# OFFICE, SCHAAK RCH., # \$
 144 SVR 556 CCAP 020769-1008 # BT REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# NRL 37 BT # BUY# 50 PLT PRA 65 # GTC
 # 4353-1 #
 296 QTC 68 CL 020769-1008 # QTE BARBER GREEN CO 40-3 PLS CK QTE AND ADVN CLN #
 40 KC 77 HU 020769-1009 # TJM# DFS # NOT AVAILABLE AT MOMENT WILL LET YOU KNOW WHEN HE BE IN# IRENE ALLEN# SECY
 TO DFS# \$
 20 PX 559 CCAP 020769-1009 # PX KAB 76
 13 US 34 WRH 020769-1008 # TOM # REF 84-0558-1 LONG 45 M TSY BILLS DUE # 2-6-69 INSTRUCTIONS RECD # TO LATE BILLS
 ERE # ROLLED OVER MONDAY 2/3/69 # IF YOU WISH YOU CAN # SELL 5M OF HTHE NEW ISSUE 5/8/69 # MUSTO BOND CAGE #
 16 HS 58 BO 020769-1010 # FLOW 14-5# GENL LASER 10--11# \$
 GC 49 # BUY# 100 GCN 42# 6395-1# 100# AC 201 020769-1008E
 327 OTC 24 LD 020769-1008 # AL KEY # RE BATTER IND WESCO MAKING MKT IN STK CAN WE TRADE # PLS ADVISE LARRY LD # \$
 DU 37 # BUY# 30 CPL PR 80# GTC# CXL 79# GTC# 4382-1# 30# # AC 202 020769-1008S
 GC 51 # SL# 200 MC 25# 2716-2# 200# AN 90 020769-100#G
 11 QL O CSC NS 020769-1008 # ALL WIRES - ALL BRANCH MANAGERS 2-7-69# OUR PRINTER I
 S TODAY MAILING A PROGRESS REPORT ON WARMACO, WE CALL# YOUR ATTENTION TO MEMO 250, PLEASE NOTIFY ALL REGD REPS IN YOU
 R# OFFICE, SCHAAK RCH., # \$
 34 EXT 9 XW 020769-1008 PZ # SLD 200 M 53# C T L# 2971-1# \$
 297 OTC 59 OA 020769-1008 # BLYVOORS# \$
 GC 50 # BUY# 200 GCN 42# 6683-2# 200# AC 203 020769-1008E
 21 PA 61 SX 020769-1008 # OA 3640-2 BOT 200 FAMILY ACHIEVEMENT 7- ON MKT 98-9980-0# NET SFOTC SX# \$
 008 TERM PT LINE 018 NO RESPONSE TO TSC
 30 LS 41 EN 020769-1015 # PLEASE NORTH CENTL AIRL EN# \$
 33 RCH 55 HS 020769-1009 # PLS ADV ON CONVERSION RATIO FOR VARE CORP STOCKHOLDERS# IN MERGER BILL HS# \$
 PE 12 # SL# 100 LS 11# 0117-1# 100# # AC 204 020769-1009
 JCB TERM PT LINE 018 NOW RESPONDING
 298 OTC 40 EL 020769-1008 # QTE# DIVERSA EL# \$
 RTRAD RB 4 AC 020769-1008 # BOT 500 SBN 6# 5082-1# \$
 15 HS O CSC NS 020769-1008 # ALL WIRES - ALL BRANCH MANAGERS 2-7-69# OUR PRINTER I
 S TODAY MAILING A PROGRESS REPORT ON WARMACO, WE CALL# YOUR ATTENTION TO MEMO 250, PLEASE NOTIFY ALL REGD REPS IN YOU
 R# OFFICE, SCHAAK RCH., # \$
 18 SH O SPVR NS 020769-1011 # SH'RE ALL WIRES RE LEE FILTER CORP AND FDI # U ARE CORRECT AND HV TOLD THE AA TERMINAL
 # WHICH IS ONE OF OUR ASE TERMINALS ON ASE FLOOR# TO PLS SIGN THEM IN FUTURE - ASE - # TED G WRS# \$ 2-7-69# OUR PRINTER I
 10 DU O CSC NS 020769-1008 # ALL WIRES - ALL BRANCH MANAGERS
 S TODAY MAILING A PROGRESS REPORT ON WARMACO, WE CALL# YOUR ATTENTION TO MEMO 250, PLEASE NOTIFY ALL REGD REPS IN YOU
 R# OFFICE, SCHAAK RCH., # \$ 2-7-69# OUR PRINTER I
 4 DX O CSC NS 020769-1008 # ALL WIRES - ALL BRANCH MANAGERS
 S TODAY MAILING A PROGRESS REPORT ON WARMACO, WE CALL# YOUR ATTENTION TO MEMO 250, PLEASE NOTIFY ALL REGD REPS IN YOU
 R# OFFICE, SCHAAK RCH., # \$
 299 QIC 41 EL 020769-1008 # QTE# CAMIN LABS EL# \$ 2-7-69# OUR PRINTER I
 P # O CSC NS 020769-1008 # ALL WIRES - ALL BRANCH MANAGERS

038 SEND FORMAT ERROR

10 CBT 19 KA ORD 020769-1041 # SELL 10 MAY CORN MKT # 75-8138-9 # 10 # \$

PX 119 # BUY# 100 MSG MKT# 2988-2# 100 # # AN 129 020769-1039N

FS 51 # SL# 50 J MKT# 0945-1# 50 J# # NOL 391 020769-1039E

428 DTC 82 FF ORD 020769-1039 # BUY# 60 MOLDINGS INC MKT# 4244-1# 60# \$

34 CL 54 AM 020769-1039 # BOT 100 SRT 42# MS

49 DC 86 WRH 020769-1043 # RICH # SHIPPING REGD PKG NBR 090732 DTD 2-5 # BOYLE CGE \$

279 CRD 102 SX 020769-1039 # EDK CRD# PLEASE SHIP STREET STOCK# 100 IDAHO POWER CO FOR DEL TO 48-0011-1 VAL 2/14/69

ROB SX#

26 OH 62 KC 020769-1040 # MD BEEF PKRS 26-7 KC# \$

038 TERM XW LINE 064 NO RESPONSE TO TSC

CO 18 # SL # 100 NEP 23# DAY # 6608-2 # 100 # # AC 292 020769-1039N

19 PK 0 AC NS 020769-1041 # ATTN ED CLOSE# RE PK BOT 200 NUE 2# PRICE GOES 6# 6# AC#

328 EXT 60 AV 020769-1038 # EV # SLD 200 ADT 73# 0041-1# BS#

439 QTC 33 PL 020769-1038 # HARVEY # PLEASE RACE QUOTE FOR ORDER # PERMEATOR # THANK # EVELYN PL# \$

27R CRD 101 SX 020769-1038 # EDK CRD# RE 48-0017-1 ON 60 EASTMAN KODAK CO I HAVE MADE CLAIM ON# THIS STK SPLIT CALL

BANK SEVERAL TIMES AND THEY DID NOT# REC STOCK SO HAVE TO WIRE AGENT FOR REPLACEMENT WILL# ADV WHEN HEAR MORE ROB SX#

19 RB 27 CY 020769-1040 # NOT ON CMH CXL HERE & ENTER HUM# UR 39 SL 23 ENW MKT GIN# \$

17 CP 52 AN 020769-1039 # BOT# 100 TDY 97# GS

31 WH 77 WRH 020769-1039 # HW # KLOOF GOLD B - \$

24 SM 64 SHD 020769-1040 # JIM SM - RE FLOPS - DONT YOU REALIZE THAT YOU MAY BE CXLG# OUT SOME ONE ELSE'S ORDER A

NO LOSING THEIR POSN ON SPLTS# ROK, YOU COULD USE A REFRESHER COURSE IN PROCEDURE BEFORE# YOU WREAK COMPLETE HAVOC -

BGP SHD#

234 SVR 740 CCAP 020769-1038 # XW REJECT# INCOMPLETE TRANSMISSION# HJB 59 XW# BOT 100 VAR 31#

389 EXT 53 AM 020769-1039 # PT # BOT 100 GMT 44# CO#

31 FL 53 DU 020769-1040 # PLS QTE WHITE SHIELD OIL & GAS TKS DU# \$

EN 52 # BUY# 100 CFI 10-# GTC# 5501-1# # XW 212 020769-1039G

56 RCH 59 DC 020769-1039 # RE MARITIME FRUIT CARRIER - DTC - REQUEST# OPINION NEED REPLY TODAY THNX# DYE DC# \$

235 SVR 745 CCAP 020769-1039 # SX REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# NOL 103 SX# BUY# 20 CDT 31# GTC# 69

-1# CFN 20 31#

038 TERM XW LINE 064 NOW RESPONDING

R RK 69 AA 020769-1040 # BOT 800 BPT 21# 2354-1# \$

4 52 # CXL SL# 300 CHD 29# GTC# CXL 300# # AM 188 020769-1039S

110 PRM 182 WRD 020769-1039 # AL KEY BRM# RE BARTEP IND WESCO MKG MKT IN STK CAN WE# TDE PLS ADV LARRY L

DN #

039 END OF RETRIEVAL TO TERM SVR

440 QTC 29 GX 020769-1039 # ICL CV DEB # \$

24 PDS 22 WA 020769-1039 # # SAM # # 042-05-9612 17-1708-1 RR 17 # MR ALEXANDER GUDELSKI # 567 SHAIN AVE #

HERIDEN CONN # WA #

57 RCH 17 KW 020769-1040 # MELTZER # DOCTOR CLIENT WISHES YOUR OPINION OF EK # IS IT A GOOD BUY HERE OR WHY NOT P

LS ADV SAP # ORD PENDING # BENSON KW #

45 SN 107 SX 020769-1040 # SN 4050-1 SLD 15 T 54# ON MKT 98-9987-0 PCSE SX# \$

039 END OF RETRIEVAL TO TERM SVR

EV 75 # SL# 40 MAL 11# STP# GTC# CXL 11 STP# GTC# 3754-1# # ASE 285 020769-1039N

111 HU 41 AK 020769-1039 # BOT 2 T 55# 8396-1#

10 HT 6 CBT 020769-1041 # BOT# 25 JLY CORN 122# HU 3969-9 VIA NYC# \$

23 JB 126 WRC 020769-1041 # HH# RE 9804 PLS ADV WHAT ACCT NO WAS ASSIGNED SO I CAN# TFR 9804 TO NEW NUMBER THN

X VAS CRD#

2/1/69

47 KA 66 OH 020769-1041 # KEN# FLOUR PRODUCTION 78770# HILDA OH# \$
 'LS' 185 WRD 020769-1041 # PAE LSN# 6443 HAS NO BP HAS# FED CALL 692, DU 2-12# LEN CRD# \$
 4CB EXT 61 AC 020769-1041 OH # SLD 15 RAI 12# 1793-1# \$
 450 QTC 34 KM 020769-1041 # PLS QTE AMERICAN NUCLEAR# OCONNOR KM# \$
 36 DE 76 AA 020769-1043 # SLD 30 STR 15# Q MKT# 0304-1# \$
 409 EXT 87 ZA 020769-1041 EDP # SOLD 200 SYP 75- # 65-0015-1\$
 SM 58 # CXL SL# 100 UOP 41# GTCH# CXL 100# # AM 195 020769-1041E
 451 QTC 132 HU 020769-1041 # # TITAN GROUP# AUSS
 60 EDP 88 ZA 020769-1041 # SOLD 100 AT 38% # CN8746-1\$
 410 EXT 25 AB 020769-1041 # RB # SOLD 500 POY 18-# LVS 500# # RB 5\$
 9 CMX 42 AR 020769-1041 # SELL. 1 MAY PORK BELLIES, 3397 DAY# 6841-7# 1 3397# \$
 411 EXT 72 AA 020769-1041 PS # SLD 100 CII 14% Q MKT# 7832-2# \$
 32 WH 29 CY 020769-1042 # WILKENS RACE UR NH ORDER CANNOT BE ENTERED UNTIL WE# HEAR FROM NEWAM WILL ADV ASAP GIN#
 EV 77 # SL# 50 ACY MKT# 2232-1# # NOL 396 020769-1041C
 435 QTC 36 LD 020769-1041 # AL KEY # PE BARTEP IND # WESCO MAKING MKT IN SYR CAN WE MAKE TRADE # PLEASE ADVISE #
 THANKS LARRY LD # #
 1 PS 32 AB 020769-1042 # SOLD 200 FSN 123# Q 122% SHRT# 7320-3\$
 4... EXT 88 ZA 020769-1041 EDP # SOLD 100 AT 35% # CN8746-1\$
 FS 53 # BUY# 200 AJ 17# 1607-1# 200# # AV 153 020769-10410
 SM 59 # BUY# 200 LPT 19% 200# # AM 196 020769-10411
 6 TX 0 FS NS 020769-1041 # ROY# WELL TRY AND SEND EM NOW, I EVERY 5 MINS OR SO, # IT WHY U SHUDNT BE HOLDING UP TH
 E POLLING TOO MUCH, # ILL LET YA KNO IF I GET EM, OKEE DOKEE, # MORE#
 041 END OF RELIEVAL TO TERM FF
 436 QTC 28 DS ORD 020769-1041 # BUY# 5M OKLAHOMA GAS & ELECTRIC 7 PCT 1999 99% DS 3765-1# 5M# \$
 61 EDP 89 ZA 020769-1041 # SOLD 200 T 55 # WM-6148-1\$
 413 EXT 26 AB 020769-1041 NH # BOT 100 NGC WSN 17% 9570-1\$
 45 NH 73 AA 020769-1041 # SLD 200 NCD 12% Q MKT# 7466-2# \$
 414 EXT 0 AC NS 020769-1041 PK # ATTN ED CLOSE# RE PK BOT 200 NUE 2% PRICE GOES 6% 6% ACS
 80 RB # BUY # 700 NRY 15 # 0844-1 # 700/15 # # ASE 289 020769-1041
 20 QO 0 CSC NS 020769-1044 # ALL-# RE EX DIV LIST SENT WHILE AGO -DATE ON TOP IS CORRECT# AS FEB 6 1969 -
 FLCOR ON ASE TOLD US THIS LIST FAILED# TO BE SENT YESTERDAY# EDW# #
 415 EXT 73 AA 020769-1041 NW # SLD 200 NCD 12% Q MKT# 7466-2# \$

PD 59 # BUY# 50 ED MKT# GTC# 65-1135-1# # NOL 420 020769-1046
 9 AK 829 CCAP 020769-1046 # AK KAB 45 THRU 49
 34 PD 202 WRD 020769-1047 # NAT PB# RE SLD 100 BOT 20 2-4 ETC# FIGS 2012.50 5. .05 27.13 1980.32#
 JEN TAB# #
 92 CGE 84 US 020769-1047 # MARION HU YOU ARE CORRECT RE CAGE FORMS 60 A WE FOUND THEM# PLS DISREGARD OUR REQUES
 T DF YA MY ERROR THANKS # HAZEL US # #
 72 KC 93 AA 020769-1047 # BOT 80 CUO 6 # GTC# 5384-1# \$
 507 EXT 77 AC 020769-1046 # SX # BOT 25 SQN 33 # 7390-1# \$
 77 CD 83 WRF 020769-1047 # BOT 12 GO 45#H CPTS# \$
 15 CBT 87 SN 020769-1049 # BUY 5 MCH CORN 116#H SN 4856-9# 5# \$
 38 OA 96 AA 020769-1048 # SLD 50 TRE 97# Q MKT# 2484-2# \$
 508 EXT 74 ZB 020769-1046 # GC # SLD 100 STY 38# GTC# GC-3526-1\$
 19 PS 80 AC 020769-1047 # SLD 100 GRI 7#H 5151-1# \$
 509 EXT 106 ZA 020769-1046 # EDP # SLD 100 T 55 # KC-4395-1\$
 79 EDP 107 ZA 020769-1046 # BOT 200 PAG 26 # GE-0336-1\$
 510 EXT 71 XH 020769-1046 # NC # SLD 400 FIR 61#H 61--#H NC 145# WS\$
 72 BR 86 AA 020769-1046 # SLD 100 BFG 9#H GTC# BR 89# \$
 511 EXT 67 AM 020769-1046 # RL # BOT 100 A # AZ 6#H 7LT# EFH# TRY RB OR PB OFFICES
 96 BND 56 FS 020769-1046 # BARNEY# RACE QUOTEN CHICAGO EASTERN ILLINOIS# 5-1/1/2054# ADV MURPHY FS\$
 43 RL 75 AM 020769-1048 # ON#OT 100 AZ 6#H AGH\$
 512 EXT 86 AA 020769-1046 # BR # SLD 100 BFG 9#H GTC# BR 89# \$
 304 CRD 69 OH 020769-1046 # BAL# RE 2643-1 CARPH PURCHASE 25 ESX ORDERS OUT 1-16# IF NOT HANDLED DISREGARD AS STK B
 EING SLD TODAY# EZ OH# #
 046 TRHLS DCWN GY PA TX PA
 73 CD 75 ZD 020769-1046 # BOT 400 AMX 50#H CPTS# \$
 513 EXT 75 ZB 020769-1046 # CD # BOT 400 AMX 50#H CPTS# \$
 459 OTC 124 PX 020769-1046 # BUY# 100 JDATEATRONICS INC 16# 3629-1# 100 # \$
 33 BL 0 WRG NS 020769-1046 # VIC# CODEX 34#-6\$
 460 OTC 79 CL OPD 020769-1047 # BUY# 15H TSY NOTES 5# 5-15-70 MKT# CL 0012-1# 15#H \$
 39 FF 73 XH 020769-1047 # BOT 200 TF 34 # 3906-2# GREG\$
 125 BRM 0 WRG NS 020769-1047 # AL KEY# RE BARTER IND# WESCO MAKING MKT IN STK CAN WE MAKE TRADER PLS ADVISE# QTHX#
 LARRY LD #
 NB 39 # SL# 26 BC 20#H 2910-1# # NOL 421 020769-1046#
 269 SVR 831 CCAP 020769-1046 # AR REJECT# MISPLACED FIGS Z OR CR OR LF # NRL 43 AR#H BUY# 600 AMO 12#
 # DAY# 9462-1# OH# EDO#
 74 BR 78 AC 020769-1046 # SLD 100 ALA 28#H GTC# BR 90# \$
 514 EXT 78 AC 020769-1046 # BR # SLD 100 ALA 28#H GTC# BR 90# \$
 15 WRB 9 CBT 020769-1048 # SOLD# 5 MAY CORN 119#H DE 2557-9# \$
 75 CD 76 ZB 020769-1046 # BOT 100 CSP 69#H \$
 58 CN 79 AC 020769-1046 # SLD 50 ACT 26#H ON 26 GTC# 9900-1 HOL\$
 55 KA 87 US 020769-1049 # OTC QTE GENESE BREWING HILDA US # \$
 515 EXT 107 ZA 020769-1046 # EDP # BOT 200 PAG 26 # GE-0336-1\$
 80 EDP 108 ZA 020769-1046 # BOT 200 UP 61 # HU-3788-1\$
 516 EXT 87 AA 020769-1046 # BO # BOT 100 CUO 6#H GTC# 4047-3# \$
 PE 17 # SL# 8 PEG MKT# 1037-1# # NOL 422 020769-1047#
 046 TX TMUP
 45 EV 204 WRD 020769-1048 # OOT EV# SLD 100 J - 1357-1 80- PX ETC# FXD NEW FIGS 8025, 47.03 5,
 .17 7972,80 JEN# TAB# #
 KC 75 # BUY# 100 SSC 23#H 5027-2 50# 5723-2 50# # AV 161 020769-10460

504 ORN 82 LA 020769-1108 # SPERRY CORP 3 -69 HILDE LAW \$
 48 EG 1005 CCAP 020769-1109 # EG REJECT# 20 NUMBERS OMITTED# NRL B2 EG# BUY# 100 RJR 45 # 1699-3# 6
 FA 82 # SL # 200 TNS 42# DAY # 0505-1 # 200 # # XH 276 020769-1110
 35 RB 150 WRJ 020769-1112 # TOMAS# RE GEO LINDSAY LETTER# 1. FRIDAY LETTER \$60 PER YEAR# 2. MON-TUES & THURS LETTE
 RS \$85 PER YEAR /PACKAGE DEAL# 3. 162 COMBINED \$129 PER YEAR# VANN RCH# #
 UX 186 # SL# 400 INA 51# GTC# CXL SL# 200 INA 52# GTC# 400 51# # AM 241 020769-1108T
 PS 70 # SL# 200 SOD MKT# 5311-1# 200# # ASE 347 020769-1108E
 338 SVR 999 CCA# 020769-1108 # GC REJECT# DK WIRE CCDE# K'NRL 85 GC# BUY# 200 AJ 17# CXL 200 17-# 6936-2# 200P
 108 TERM AA LINE 067 NOW RESPONDING
 22 GX 116 AM 020769-1109 # BOT 100 APY 15# 7712-1# LNX FHR\$
 46 GC 95 AN 020769-1108 # SLD# 200 MC 25# TS
 339 SVR 1004 CCAP 020769-1109 # GC KAB 85
 108 TRMLS DOWN GY PA 0
 130 LA 117 CN 020769-1109 # CAPITAL HOLDING CORP CONDORIN# \$
 84 RCH 41 KM 020769-1108 # OPINION ON 3M CO AND RECOGNITION EQUIP# SHONSON KM# \$
 108 L UP
 34 POS 39 WA 020769-1109 # # SAM # # 043-18-5307 17-1706-1 RR 18 # MR ANTHONY D ALEX # BRONSON DR # MIDDLE
 EPURY CONN # WA # #
 BO 112 # BUY # 100 PE MKT # # CXL 100 30 GTC # # LVS 100 30 GTC # # 1329-1 # # MKT CXL 30 GTC LVS
 100 GTC # # # AM 242 020769-11080
 33 HT 121 AK 020769-1108 # SLD 19 C 5# # # XXX C 53# 0030-1\$
 33 RB 7 CMX 020769-1108 # SOLD 1 MARCH BLY 3320 ON LIMIT# RB 5145-9# \$
 48 EN 129 XH IGN 020769-1108 # HASKELL RE NEW PURCHASES YES# CALL # CEF \$
 PS 71 # SL# 100 INA 51 # 1751-1# 100# # AM 243 020769-1108V
 54 FND 1008 CCAP 020769-1109 # FND REJECT# INCOMPLETE TRANSMISSION# CP 32 FND# DONALK BURNS CP# NO TKTS AVAILAB
 LE'FOR' SULLICAN SHOW, SORRY# HCS ADV
 108 END OF RETRIEVAL TO TERM SVR
 533 OTC 72 PS ORD 020769-1108 # BUY# 300 COMPUTER AGE 5# DAY# PS 1277-1# 300# QTE BCK# \$
 JB 51 # BUY# 50 TOD MKT# DAY# 3929-1# 50# # ASE 348 020769-11096
 FA 81 # BUY # 20 BC MKT # DAY # 0577-1 # # NOL 484 020769-1108S
 505 OTC 90 FL 020769-1109 # ARNIE HVE U HERD APT ANY MKT# ON BARTEP IND. COMAN# \$
 45 DA 131 XH 020769-1109 # BOT 100 CFI 10 # M \$
 838 EXT 95 AN 020769-1108 GC # SLD# 200 MC 25# TS
 34 WRB 8 CHX 020769-1109 # SOLD 2 FEB LIVE CATTLE 2855 ON 50 OB# EG 3104-9# \$
 CO 187 # BUY# 100 NTA 36# 50 NTA 36# GTC# 100 50 36# # AM 244 020769-11095
 65 SF 157 WRA 020769-1110 # # 8 1M US TSY BILLS DUE 4-17-69 98,9798# # 9805-1\$
 158 STA 89 KC 020769-1108 # REPORT STATUS SELL# 65 TMA 47 # GTC ACCT 6435-1 CLGKC# \$
 109 TERM FND LINE 022 NO RESPONSE TO TSC
 21 WA 130 XH 020769-1109# # BOT 100 INR 30-# WA 5# CD \$
 85 RCH 88 DC 020769-1109 # AGGRESSIVE INVESTOR SEEKING ABV AVG APPREC IN INTERMEDIATE# TERM WANTS ADVICE ON BUY OF
 60 REQUEST RECOM# MENDATIONS CUST WTG# TINARI DC# #
 534 OTC 83 WH 020769-1109 # WHAT IS CURRENT MKT ON CLINTON OIL ORDER PENDING# BILL WH#
 159 STA 48 PZ 020769-1109 # REPORT STATUS /SL # 200 BC 21 GTC # 0830-2 # GENE PZ # \$
 18 CMX 53 TO 020769-1109 # BUY# 1 CAK MARCH BELLIES 3302# DAY# 2057-7# CFM 1 3302# \$
 90 LS 49 WB 020769-1110 # S 2 SEPT SILVER 19650# UR 36# 0202-9\$
 47 GC 1004 CCAP 020769-1109 # GC KAB 85
 839 EXT 109 ZB 020769-1108 CL # BOT 100 LK 45# .CL-2529-1 \$
 CO 30 # SL # 50 BC MKT # DAY # CXL SL # 50 BC 18 STP # GTC # 6674-1 # 50 # # NOL 485
 020769-1109C

226 TERM QTC LINE 091 NO RESPONSE TO CDC LINE XM# IT DOWNZ
 56 DS O WRC NS 020769-1227 # MFG HANOVER TRUST 69-05
 89 FHO 176 SX 020769-1231 # WEHMEYER FUNDS# THX, FOR MESSAGE ON CHANG KEOGH PLAN, HAVE YOU SENT US# CONFIRM OF COM
 * YET BARD SX# #
 * 241 BPM 83 LD 020769-1229 # AL KEY# RE BAPTEP' INDUS# WHAT HAPPENS TO CLIENT THAT BOT STK FR US # HOW CAN HE SELL IT
 * PLS ADV# INX LARRY DIN LD# #
 SF 94 # BUY# 100 LTV A MXT# 4040-1# CFM 100# CHANGE N0TH# # AV 337 020769-1228C
 FA 144 # SL# 200 PX MKT# 0051-1# 200# # ASE 522 020769-1226
 1873 EXT 203 AC 020769-1226 # WH # BOT 25 MBR 19# GTC# 6517-1# \$
 56 BT O WPG NS 020769-1226 # THOMAS ROWLES# RE UR LETTER ON 125# MOHAWK LIQUOR TO AL KEY# I AM TRYING TO CK OUT#
 TRADE BUT DATE YOU GIVE IN LTR 1/21 SHOWS # NO TDE THAT DAY PLS CK AND CFM# HARV#
 71 BL 205 WRJ 020769-1229 # JIM# AO 2/6 1503-2# BOT 200 NGC WS-N 17 FIGS# 3400,00-48,00-3448,00 NET# PLS FIX# FCX
 TAB# #
 226 O 44 243-0
 91 WH 222 AC 020769-1231 # SLD 200 STG 10# 0555-1# \$
 1874 EXT 149 AB 020769-1226 TL # SOLD 100 OLA 35# 9845-1\$
 DC 172 # SL# 100 FNR 11# 7331-2# 100# # ASE 523 020769-1227F
 55 DS O SPVR NS 020769-1227 # VAN# OK TO CALL SEIF WRS# \$
 551 SVR 1506 CCAP 020769-1227 # CX REJECT# DK WIRE CODE# US 20CX# TOM ARK VALLEY IND 6% OF 12-19-70 175 BID#
 141 TL 317 AK 020769-1227 # SLD 49 CLL 77# 4681-2# \$
 1875 EXT 150 AB 020769-1226 # PA # SOLD 200 OF 10# PA 46\$
 227 TERM PL LINE 031 INTERCEPT START 0057I
 688 QTC 97 OH 020769-1226 # QTE SEEBURG CORP# JPL OH# \$
 80 161 # SL # 100 HDL 39% STP # GTC # 6262-1 # # AN 286 020769-1227T
 260 TAB 185 LS 020769-1227 # NYR 6# 110 MOULDED PRODUCTS 14# B 92-4274-1 PC S 92-9966-1 NET LS# ...# \$
 74 PA 150 AB 020769-1226 # SOLD 200 WBF 10# PA 46\$
 67 OA 255 WRC 020769-1226 # SELMA FIGS 3262,50 35,31 5,00 ,07 NET 3222,12 RE# SLD 100 BVI 32# PLS FIX# FOX TAB\$
 689 QTC 78 DS 020769-1227 # OH STAR DUST# \$
 CL 119 # BUY# 2 RCA MKT# 0012-1# 2# # NOL 739 020769-1226Y
 63 WH 259 WRC 020769-1228 # BFT ED CLOSE SHOWED HE THAT 645-1# WAS BUSTED AS U SAID TO 387-1 WHO DID# OWN THE STK
 IF TURNER IS 645-1 HE SHD HV KNOWN IN PLENTY# TIME AT LEAST BY MONDAY THAT HE DID NOT OWN IF HE SOLD MONDAY# HE DID NOT
 MAKE O PTS DID 387-1 ALSO SELL IF U#
 SHOW 200 SHT HE CAN MKT OUT BUT DONT KW HOW TURNER# STANDS YET# ROGERS BRM.#
 71 KY 315 WRA 020769-1227 # BOT 20 M DUPLAN CORP CV 5% 94 100# GTC# 8318-1 \$
 573 CRD 71 TO 020769-1227 # MAEH# MAY WE HV OKP# 569-1 17,60 CR# 1448-1 10,00# 1581-1 69,50# 3133-1 17,55# MH# \$
 81 EG 314 WRA 020769-1227 # SLD 300 REDCOR 27# FOK# 3340-1 \$
 572 CRD 70 TO 020769-1226 # MAFH# RE 1243-1 CR BAL OF \$15,00 DOES NOT BELONG IN# CUSTR ACCT# RE 3012-1 CR BAL OF 19,
 50 CR BAL DOES NOT BELONG# IN CUSTRS ACCT MW# #
 53 TO 256 WRC 020769-1227 # FRANK RYM DESTROY MM AS WE FIX HERE RE# SLD 100 ARMOUR CO DEL# FOX TAB\$
 128 CX 1506 CCAP 020769-1227 # CX REJECT# DK WIRE CODE# US 20CX# TOM ARK VALLEY IND 6% OF 12-19-70 175 BID#
 1876 EXT 183 AN 020769-1227 CN # H#KC G B 26--E STPD --\$
 746 QTC 186 PX 020769-1226 # SL# 100 IVEY CORP 12# 3942-1# 100 # \$
 261 STA 298 CO 020769-1227 # ED ASE RE 81 WP 98 AA BOT 200 MDT 6# THAT SHUD READ SL PLS ADV KEN CON# \$
 92 GC 317 WRA 020769-1227 # BOT 500 BELMONT INDUSTRIAL 3-# 8883-1 \$
 747 QTC 122 KY 020769-1227 # BUY# 44 INDUSTRIAL NUCLEONICS MKT# 8518-1 \$
 FF 163 # CXL BUY# 20 BA 56# GTC# 4285-1# CXL# # NOL 740 020769-1227#
 109 SF 261 AA 020769-1227 # BOT 100 AO 9# O MKT# 0069-1# \$
 129 CN 183 AN 020769-1227 # H#KC G B 26--E STPD --\$
 552 SVR 1516 CCAP 020769-1228 # WRF REJECT# 249 TWICE# PB 249 28# SLD 100 MRS 40# PB-1501-22
 267 STA 124 SX 020769-1227 # RE 83 SM 181 AN# SLD # TEPP IDL 18-# SM 119 ETC# REPEAT CORRECTLY SM# \$

224 RL 317 AH 020769-1310 # SLD 100 J BOM# VH \$
 2470 EXT 0 ZA NS 020769-1309 EDP # BOT 100 CUL 22# RD-4823-1 \$
 100 EG 428 AK 020769-1310 # SLD 50 GAF 29E# 2939-1 \$
 584 EDP 332 ZB 020769-1309 # SLD 100 PLT 28 # EV-0107-1 \$
 2471 EXT 332 ZB 020769-1309 EDP # SLD 100 PLT 28 # EV-0107-1 \$
 585 EDP 0 ZA NS 020769-1309 # BOT 100 SPV 24 # BO-9052-1 \$
 2472 EXT 198 AB 020769-1309 # BOT 200 TSO 41# Q MKT# 3614-1# \$
 84 WM 199 AB 020769-1309 # BOT 100 TSO 41# Q MKT# 2358-2# \$
 2473 EXT 0 ZA NS 020769-1309 EDP # BOT 100 SPV 24 # BO-9052-1 \$
 849 OTC 40 PE ORD 020769-1310 # SLN 300 LINDY PRODUCTS # 0744-1# 300# \$
 RTRAB7 POS 131 PA 020769-1310 # SAM LONBAROO 2-7-69 CHANGE IN RR NUMBER # 158-30-4502 15-0738-78 # HR HER
 BERT SNOOP # 71 STRUYK AVENUE # PATERSON NEW JERSEY # MARDI PA # \$
 248 LA 118 EN 020769-1311 # PLS RACE QUOTE ORDER PENOS# SECURITY PACIFIC NATL BANK EN# \$
 107 SM 322 XW 020769-1311 # SLD 1000 SKO 24E# 24E# 15E5# SM 154# SK \$
 586 EDP 333 ZB 020769-1309 # BOT 200 CDP 41 # US-5214-1 T \$
 2474 EXT 333 ZB 020769-1309 EDP # BOT 200 CDP 41 # US-5214-1 T \$
 03 BL 195 BK 020769-1310 # BOT 5 SD 70-# 300R-1T \$
 7 EDP 334 ZH 020769-1309 # SLD 100 OQU 31# 03-0100-0 \$
 2475 EXT 199 AB 020769-1309 # BOT 100 TSO 41# Q MKT# 2358-2# \$
 85 WM 304 AA 020769-1310 # BOT 400 TSO 41# Q MKT# 2822-2# \$
 2476 EXT 266 AV 020769-1309 # LS # BOT 100 SWS 23-# 0 \$
 98 KY 219 AN 020769-1310 # SOLD 100 SNL 38-# SHORT# DOM# \$
 2477 EXT 334 ZB 020769-1309 EDP # SLD 100 OQU 31# 03-0100-0 \$
 135 SX 54 FND 020769-1310 # BARR SX# RE CHANG KEOGH PLAN- YOUR OFFICE SHUDHAVE RECD COPY OF# CFM AWHILE BACK HOWEVE
 R IF YOU DIDNT WE MADE A ZEROX# COPY AND IT IS ON WAY TO YOU, WEHMEYER FND# \$
 697 CRD 95 PL 020769-1311 # DANNY GATTO # CHECK REQUESTS # 0947-1 5125,89 SL 200 RG # 0470-1 50,00 # 6691-1
 2017,45 # 1857-1 4391,22 # 2847-1 151,06 # ELLEN PL# \$
 588 EDP 335 ZB 020769-1310 # BOT 100 THI 20-# RL-1372-1 \$
 2478 EXT 335 ZB 020769-1310 EDP # BOT 100 THI 20-# BL-1372-1 \$
 61 DF 1753 CCAP 020769-1310 # DF REJECT# 15 THICEN ASE 015 DF # BUY# 100 SEE MKT# 3448-1# 100 I
 289 BRM 0 SPVR NS 020769-1311 # TONY # STK SYMBOL # IS RI CTNW # NO SPACE IN SUFFIX DF STK # ADV U OK# JOE C
 SC #
 779 OTC 149 FL 020769-1311 # ARNIE REPEAT IS THERE A MKT ON# KARTED IND COWAN# \$
 0 SVR 1751 CCAP 020769-1310 # OS REJECT# BAD ORDER SYMGLN# KAB THIS NUMBER# ASE 91 DS# QS# G F INDUSTRIES DS#
 30 TERM FF LINE 049 INTERCEPT START 0138 PRIOR# ITY.
 104 LS 386 WRA 020769-1311 # # S 1M LKS 5-93 113# OP# # 0329-1 \$
 70 DS 196 BK 020769-1310 # BOT 15 RCA 44# 3553-1# \$
 98 CL 193 BK 020769-1310 # BOT 3 ITT 54 # 0012-1# \$
 651 SVR 1753 CCAP 020769-1310 # DF REJECT# 15 THICEN ASE 015 DF # BUY# 100 SEE MKT# 3448-1# 100 I
 589 EDP 336 ZB 020769-1313 # BOT 100 GAP 34 # KY-6211-1T \$
 2479 EXT 317 XW 020769-1310 # RL # SLD 100 J BOM# VH \$
 310 TERM FF LINE 019 NOW RESPONDING
 56 TE 0 WRG NS 020769-1317 # ELI# COPPER LABORATOES 24-#W ELECTO MECHANICAL 18-#S
 178 CX 1769 CCAP 020769-1311 # CX REJECT# INCOMPLETE TRANSMISSION# G
 137 PT 218 AN 020769-1310 # SOLD 100 PTC 15 # DW COMPH \$
 652 SVR 1755 CCAP 020769-1310 # AN KAB 217
 310 END OF RELIEVAL TO TERM FF
 225 RL 319 XW 020769-1310 # SLD 100 BC 21# LVS 400# W \$
 2480 EXT 218 AN 020769-1310 PT # SOLD 100 PTC 15 # DW COMPH \$
 62 DF 1756 CCAP 020769-1310 # DF KAB 105

3C60 EXT 377 AC 020769-1350 TL # BOT 42 CGX 1800 ON 1800 7851-1# S.
 US 172 # SL# 15 P MKT# 1722-1# P # # NOL 987 020769-13511
 167 SF 200 SN 020769-1351 # HYLAND ENTERPRISES# SN# S
 200 CGE 102 DS 020769-1351 # TC HUM# WIRING MORG GUAR \$40M FRM FNB# SG DS# S
 UX 381 # SL# 200 GL# 1800 200 1800 # XW 562 020769-1350C
 219 LS 473 AK 020769-1350 # SLD 10 NSP RTS 10/64# 3417-1#
 205 TL 481 AK 020769-1353 # BOT 10 AJ 1800 7206-1#
 3C61 EXT 390 XW 020769-1350 BR# # SLD 100 OXY 4800 8M 314# MCD S
 SN 201 # SL# 200 GWU MKT# GTC# CXL 750 DAY# 397-2# 200# # AN 384 020769-1352E
 111 RB 436 WRF 020769-1350 # SLD 40 FCB 1400 CPTS# RB-3370-1#
 74 WA 468 WRA 020769-1351 # SLD 100 GENERAL HEALTH SEV NC 290# 1571-1 S
 325 HU 365 AA 020769-1351 # BOT 100 BAF 14# 5771-2#
 3C62 EXT 363 AA 020769-1350 PX # BOT 200 BIS 13 # 13# LT# 2470-3# S
 106 PS 269 AN 020769-1350 # RE SLD 200 SWX 32 # DISREGARD NOT URS AN#
 3C63 EXT 269 AN 020769-1350 PS # RE SLD 200 SWX 32 # DISREGARD NOT URS AN#
 140 PX 270 AN 020769-1351 # POSS DUPE# SLD# 200 SWX 32 # OPCOS
 3C64 EXT 378 AC 020769-1350 LD # BOT 100 ECO 2200 ON 2200 7648-1# S
 220 LS 474 AK 020769-1351 # SLD 5 NSP RTS 10/64# 3331-1#
 SX 236 # BUY# 100 ITK 78# DAY# 4421-3# CFN 100 78# # XW 563 020769-1351N
 116 RB 0 WRG NS 020769-1353 # AK# CNP 5093 111-14#
 72 GX 337 AV 020769-1357 # SLD 100 AJ 1700 8768-1# SCH#
 3C65 EXT 326 AV 020769-1350 LA # SLD 100 SSC 2300 LVS 200# M#
 55 NS 0 WRG NS 020769-1351 # CATHERS# RE PEOPLES TRUST C# BERGE COUNTY 560-6#
 53 KE 0 WRG NS 020769-1351 # KEND# ROBLN IND 60-84 102-103#
 3C66 EXT 270 AN 020769-1351 PX # POSS DUPE# SLD# 200 SWX 32 # OPCOS
 166 HEND 209 BD 020769-1356 # BUY # 1000 CDP 40# 5307-1 # 1080/40# S
 FF 205 # SL# 100 WPT 13# ADDL# 4317-2# 100# # AC 736 020769-1351#
 102 OH 385 WRC 020769-1405 # TOM RE 1897-1 NEED STK POWER 500 TH JOE CRO#
 402 STA 235 SX 020769-1351 # DOUG STA# THATS QUITE ALRIGHT BUDDY, # THANKS FOR THE EXPLANATION# LEO SX# S
 100 FL 0 WRG NS 020769-1351 # COWAN# BARTER IND NO MKTS
 38 TX 0 FS NS 020769-1352 # ROY# YEAH I GUESS U OUGHTA TRY TO STAY HOME AND STUDY, CANT# U GO OUT AND RIDE ARNO OR
 SOMETHING THO, IT DONT COST# MUCH/CEPT FOR GAS, U OUGHTA GET OUT ONCE IN A WHILE, # FOR AIR AND ALL, MORE#
 128 SM 458 WRD 020769-1357 # KARNER SM# PLS CLM FOR US DIV PAYABLE 6-10-68# 100 CREOLE PETE CMN STK# C
 TF 224946 REGD IND GW WALTER# BAKER AND MRS FRANCES BAKER# WYSE SIGNATURES WERE# GTY BY YR OFC# PLS ADV WEN O
 K TO CHRG# YR ACCT WITH 65.00 SCO
 TTY# DIV#
 291 LA 272 LS 020769-1351 # ARDEN MAYFAIR COMM# ARDEN MAYFAIR 6-2014 JOANNE LS# S
 168 SF 0 WRG NS 020769-1352 # SHK# RE 12 CRUM AND FOSTER# WHY QUTES WAS IS STOCK OLONG IN ACCT# I TAKE IT IS I SOL
 D IT# JOHN#
 144 GC 358 AA 020769-1353 # BOT 100 SOD 3300 O MKT# 3103-2# S
 3C67 EXT 364 AA 020769-1351 SN # BOT 100 CUD 6-# LVS 100# 4074-1# S
 RTA HO 98 # BUY# 100 RIV 12# CXL 12# 21-1# 100# # AC 737 020769-1351J
 113 FS 467 WRA 020769-1351 # SLD 5 MINNEHOMA FINANCIAL 6# 0681-1 S
 221 LS 475 AK 020769-1351 # SLD 5 NSP RTS 10/64# 2584-1#
 160 SN 327 AV 020769-1351 # SLD 300 GAF 2900 5532-1# 2 B 1 ED S
 3C68 EXT 232 AB 020769-1351 CD # BOT 100 KFD 57# GTC# CD 217#
 975 OTC 207 LA ORD 020769-1351 # SL# 300 KERR ADDISON 19# USF# GTC# 3700-2# 300# S
 PL 113 # SL# 200 SPX 35# STP LMT# GTC# 2137-1# 200 # ASE 702 020769-1351Y
 79 CJ 381 AC 020769-1353 # SLD 200 PH 9-# GTC# LVS 600# CJ 82# S
 3C69 EXT 233 AB 020769-1351 NH # BOT 50 HAO 100# OMKT# 0974-1#

1093 EDP 635 ZA 021169-1523 # SOLD 100 AT 38C # CN-1751-15
 4047 EXT 635 ZA 021169-1523 EDP # SOLD 100 AT 39C # CN-1751-15
 259 LS O WRA NS 021169-1523 # RE 240# BUY 1M WISD 52-93 #6 OPNN MUST SPECIFY OLD OR NEW# BNY\$
 1084 EDP 636 ZA 021169-1523 # SOLD 100 DC 20% # DU-9081-15
 4043 EXT 636 ZA 021169-1523 EDP # SOLD 100 BC 20% # DU-9081-15
 849 STA 167 DR 021169-1523 # RE 140 RD 487 AK# BOT 45 SDS-119 ACCT 6544-2# COULD YOU PLS GIVE TIME# OF EXECUTIO
 N# PLS ADV# CUST PENDING# VCN #
 114 PL 386 WRD 021169-1525 # EVELYNPL DISREGARD NOT YRS RE 451 SLD 100 POM 19 # AG STA# \$
 1095 EDP 637 ZA 021169-1523 # BOT 100 EMI 8% # DC-9000-15
 4044 EXT 637 ZA 021169-1523 EDP # BOT 100 EMI 8% # DC-9000-15
 870 STA 244 KY 021169-1523 # NRL OUT SELL# CXL 1000 AC 22 # CXL 1000 PC 22 # CXL 500 VER 44% # CXL 10 SJO 39% # CXL
 100 TM 13 # 100 7 32C # KY#
 1086 EDP 638 ZA 021169-1523 # BOT 100 GRX 15% # PX-5860-15
 4045 EXT 638 ZA 021169-1523 EDP # BOT 100 GRX 15% # PX-5860-15
 182 WH 400 WRD 021169-1530 # LUCY WH OK YR RITE YOU MAKE IT 43C# RE BOT 30 PET 43 5095-1T STEVE STA# \$
 71 STA 245 KY 021169-1523 # NOL OUT SELL# CXL# 50 IPC 35% # 50 PEC 250# 25 GEN 38 # 1R FT 37 # KYS
 244 TAD 146 NX 021169-1523 # MC CARTHY# RE BNKS FOR 2/104 -50681316357436 GOES 150681216357436# LUCILLE NX# \$
 1087 EDP 639 ZA 021169-1523 # BOT 1000 CLL 78 # RO-4877-15
 4046 EXT 639 ZA 021169-1523 EDP # BOT 1000 CLL 78 # RO-4877-15
 830 CRD 237 CG 021169-1523 # JAN RACE# RE 76-1227 PLZ ADV CR RAL IN ACCT OK PAY THRW# ASP# TNX JKS FG# \$
 83 PA 2378 CCAP 021169-1524 # KA KAR 123
 1088 EDP 640 ZA 021169-1523 # BOT 100 OXY 49% # HS-4466-15
 4047 EXT 640 ZA 021169-1523 EDP # BOT 100 OXY 49% # HS-4466-15
 213 PC4 157 DU 021169-1532 # CUST ASKING ABT BUYING INTL MINERAL & MNG# WFB DUN #
 872 STA 246 KY 021169-1523 # NOL OUT SELL# CXL# 50 KLM 70 # 50 ARH 83 # KYS
 1089 EDP 641 ZA 021169-1524 # SOLD 100 GLP 20% # LA-7401-15
 4048 EXT 641 ZA 021169-1524 HS # BOT 100 PET 43% # HS-1195-1 T RCS
 141 P3 324 WRD 021169-1526 # CAPPY PB RE US REALTY# AT CIRPENT LEVELS THIS ISSUE APPEARS AMPLY PRICED FOR #
 THE NEAR TERM WE ARE NOT ENTHUSIASTIC ABOUT BUYING THIS# ISSUE AT THE PRESENT TIME WE WOULD AVOID HERF # KLIN
 GER RCH# \$
 431 CRD 154 DU 021169-1524 # SCOTT# RE 8618-1 KILL IF CAN DO DO 1/9 FOR 100 GT LAKES# CREDEGE & DICK WHY WAS PURCH
 WASHED OUT OF ACC 1/10# SEE JAN STMENT & IS IT BACK IN NOW DIAL DUN #
 73 STA 247 KY 021169-1523 # ASE OUT BUY# CXL 50 LBY PFD 7% # KYS
 281 CGE 132 LD 021169-1525 # SHAWT# RE 63-4865-1 HAS BARTER IND STK COME BK FROM TFR AGENTS AND IF SO IS IT OKT
 # PLS ADV DICK LD # \$
 313 LA 392 WRD 021169-1527 # EDIA RACE# DO U KNOW 200 GM FROM MERRILL LYNCH ACCT# HARRIET WILSON WFD CRD# \$
 315 PCX 391 TL 021169-1530 # OPENS 2/11# AB 200 PGT 14% TL# \$
 139 KY 390 WRD 021169-1526 # AEX KY EAST AY 2/10 RE 9409-1 PLS ADVV SEMP CRD# \$
 474 STA 296 EV 021169-1524 # STEVE# CAN U GV US A REPORT PLS ON OUR SL 16 SMC PKT PRL # ACC 8663-2 -# RECD REPORT O
 N 100 AT 50# TNX DOT EV# \$
 475 STA 248 KY 021169-1524 # ASE OUT SELL# 300 UIP 17# 100 NSY 50 LVS 350 # KY\$
 876 STA 124 RA 021169-1524 # NRL OPNS# ADD SELL# 300 IP 43# 100 PRD 43# 100 T 55%# 100 CER 27 AND 2 ON SALE# OUT SE
 LL 100 WBO 15 # 390 IP 40 # CAROL # \$
 115 OF 304 WRD 021169-1524 # JIMOF RE OUR RIGHTS RECORD 2/15 RATIO 1 FOR 3 PRICE \$22.00# EXPIRE 2/24 MYATT RCH#
 \$
 55 RX O PA NS 021169-1533 # AA# HEY WAIT A MIN# U DONT EVEN GIVE ME A CHANGED TO TYPE# UR MSGS ARE COMING IN TO
 400000 FAST# IM HERE DONT WORRY# IM OFF THE PHONE # I HAVE BEEN FOR THE LAST 5 MINS# I HAD TO DO MY OPNS# AND REPO
 T THEM TO N Y# SO IM SORRY# N PA#

MS WHICH HAVE HAD RESTRICTIONS IMPOSED UPON THEM BY THE NYSE AND THAT THIS LIST INCLUDES HARRIS UPHAM AND CO INC, I WISH TO ADVISE YOU THAT THIS IS AN ERROR. ONECUS STATEMENT AS FAR AS OUR FIRM IS CONCERNED AND THAT WE HAVE HAD NO RESTRICTIONS WHATSOEVER IMPOSED UPON US, PLEASE CALL THIS TO THE ATTENTION OF ALL YOUR REGISTERED REPRESENTATIVE.

S, HUH SR, WRS #
277 CN 220 KY 021269-1615 # RGN NEW ACCOUNT # 352-12-7634 91-8524-54 # MR LAWRENCE A GENDRICH & # MRS MARY ANN GENDRICH # 6712 CAFFODIL LANE # GREENDALE WISCONSIN 53129 # JRM KY #
31 DE O CSC NS 021269-1615 # TO ALL HARRIS UPHAM OFFICE AND ALL CORRESPONDENTS ALL SUPERVISING OFFICERS # OFFICERS AND MANAGERS IN CHARGE OF OFFICES # WE HAVE BEEN ADVISED THAT IN THE FEBRUARY ISSUE OF # - FINANCE MAGAZINE - IN A COLUMN HEADED - WALL STREET # WHISPERS - THERE IS A STATEMENT CONCERNING THE PAPER WORK # PROBLEM IN WALL STREET THAT THIS ARTICLE LISTS SEVERAL # FIRM

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S, HUH SR, WRS #
614 TERM WRE LINE 064 NO RESPONSE TO CDC LINE XH IT DCWN
6110 O WRI NS 021269-1619 # ILY RE 4265-1 I CC NOT HAVE LEGAL CLEARANCE ON THE # BARTEP AS YET # SEMP CRD #
169 SN 226 SX 021269-1615 # DAY & OUT# BUY# 1CC RVC 16# SX #
615 TERM CC LINE 036 INTERCEPT START 0268 PRICR# IY
AC3 SVR 2588 CCAP 021269-1615 # WRD KAB 413
155 POS 279 PX 021269-1615 # ATTN SAM LOMBARDI # ACCT 3698-83 # CHANGE FROM ALLEN WOLF TO JOINT ACCT # ALLEN WOLF # MRS PHYLESS WOLF EILEEN #

30 RPD 2603 CCAP 021269-1617 # WRD KAB 418
604 SVR 2591 CCAP 021269-1615 # PX KAB 277 THRU 278
615 TERM CF LINE 048 INTERCEPT START 0131 PRICR# IY
26 CH O CSC NS 021269-1615 # TO ALL HARRIS UPHAM OFFICE AND ALL CORRESPONDENTS ALL SUPERVISING OFFICERS # OFFICERS AND MANAGERS IN CHARGE OF OFFICES # WE HAVE BEEN ADVISED THAT IN THE FEBRUARY ISSUE OF # - FINANCE MAGAZINE - IN A COLUMN HEADED - WALL STREET # WHISPERS - THERE IS A STATEMENT CONCERNING THE PAPER WORK # PROBLEM IN WALL STREET THAT THIS ARTICLE LISTS SEVERAL # FIRM

MS WHICH HAVE HAD RESTRICTIONS IMPOSED UPON THEM BY THE NYSE AND THAT THIS LIST INCLUDES HARRIS UPHAM AND CO INC, I WISH TO ADVISE YOU THAT THIS IS AN ERROR. ONECUS STATEMENT AS FAR AS OUR FIRM IS CONCERNED AND THAT WE HAVE HAD NO RESTRICTIONS WHATSOEVER IMPOSED UPON US, PLEASE CALL THIS TO THE ATTENTION OF ALL YOUR REGISTERED REPRESENTATIVE.

S, HUH SR, WRS #
611 TAB 219 BO 021269-1616 # WETJEN 1/7 YCU SHIP US 50 ELECTRICKIZED CHEM CTFS 2410 2978-25 EAW DAY WORK READS 100
FIX RECORDS# PLS BAKER 804 #
32 CJ O CSC NS 021269-1615 # ALL WIRES # RE THAT ALL WIRES U JUST RECC PLS ACK RECEIPT OF # THIS ALL WIRE
TO ME ON WRS# ATTN TED GN # PLS ACK TED GN WRS #
244 SF O WRI NS 021269-1617 # BURL NC COMM IS DIFFERENT CK WITH GARY ASE IF YCU WANT GHANCE ON THIS # RE 10 SPARES
32E,75 7.58 336,33 FOX TAB#

615 TERM NH LINE 034 INTERCEPT START 0056 PRICR# IYD
27 CT O CSC NS 021269-1615 # TO ALL HARRIS UPHAM OFFICE AND ALL CORRESPONDENTS ALL SUPERVISING OFFICERS # OFFICERS AND MANAGERS IN CHARGE OF OFFICES # WE HAVE BEEN ADVISED THAT IN THE FEBRUARY ISSUE OF # - FINANCE MAGAZINE - IN A COLUMN HEADED - WALL STREET # WHISPERS - THERE IS A STATEMENT CONCERNING THE PAPER WORK # PROBLEM IN WALL STREET THAT THIS ARTICLE LISTS SEVERAL # FIRM

5 CCA SN# #
 75 CRD 40 HS 021369-0925 # GBC HU ADV CK PAY 38-7735-1 17500.00# BOW HS# #
 PX 26 # SL# 200 GFI MKT# IF NOT SLD YESTERDAY# 1894-1# 200# AC 80 021369-0925
 15 HEND 5 RK 021369-0925 # BUY# 500 TIK 26# 2931-2# 500# #
 20 BRK 0 CSC AS 021369-0929 # U MEATHEAD - TTS HECK CF A WAY TC ACK SOMETHIN - TED DTDNT KNOW WHAT U WERE DRIVIN
 AT - AND TO TELL YOU TO HIT THE RITE# KEYS - WHO HAN ED# #
 71 SVR 375 CCAP 021369-0925 # FX REJECT# INCOMPLETE TRANSMISSION# CTC 14T
 59 TAB 7 CS 021369-0925 # JIN HUN RE TDE 2/12 9804-1 SOLD 500 G F INDUSTRIES 16-# VSP 1-7-69 AT 120 APPLICATION W
 ASKT CN # PLS FIX TKN# LGRETA DSN# #
 79 CRD 23 SX 021369-0925 # EDK CRDN PLEASE SHIP STREET STCK# 15 ASHLAND OIL & REFG FCR DEL TO 98-9587-0 VAL 2/20/
 69# BDB SX# #
 15 SN 35 SN 021369-0925 # FOX AO 2-6 BOT 188 ELECTROCAR 8 249-1# STILL NC MM PLS ADV FIGS DON SN# #
 10 TAB 9 CU 021369-0925 # LUNDY RACE CHIEF# DISREGARD MY MSG RE BONDS 9905-1 WE WILL SEND UN FIGS CFM DAL DU# #
 5 QD 29 WRD 021369-0927 # ALL NYSEN CCTN RE EMERSON ELEC# MK READ ELECTRIC CO # HERE RPTG# ALL NYSEN
 EFFECTIVE INTLY DEALINGS WL BE IN \$0.90 CUM CV PFD# STK SER B \$2.50 PAR VAL REG WAY IN VIEW# OF CHG OF DE
 SIGNATION FROM EMERSON# ELECTRIC C
 \$1.80 CUM CV PFD# STK SER B # \$5 PAR VALUE# END NYSE STAN# #
 HS 41 # SL# 50 KAY 13# DAY# 4978-1# 50 # ASE 64 021369-0925U
 16 HEND 6 PZ 021369-0925 # SL # 1000 RST 12 # DAY# 87-C830-2# 1000 # #
 PA 4 # BUY# 100 UK 44# 0940-1# 100# # AN 27 021369-0926N
 17 HEND 26 US 021369-0928 # SL# 1100 CUD 24# 17 CUD CN# 54CE# 0598-2 KCM 1100 17 # #
 10 FX 379 CCAP 021369-0925 # FX REJECT# INCOMPLETE TRANSMISSION# CTC 14T
 4 EXT 5 AB 021369-0925 DU # NOTHING DONE AO 2-12 REN BUY 100# RUE 56 GTCH# NBR 95 # ASE# #
 PA 2 # BUY# 50 ALI 6# 1564-1# 50# # AC 81 021369-0926E
 16 CCE 1 LD 021369-0925 # SCHWARTZ # RE 63-4665-1 # HAS BARTEP IND# CLEARED SC WE CAN PAY CLIENT YET # ADV THANK
 5 DICK LD # #
 HU 11 # CXL BUY# 100 CN# 11 # 2C 12CC-1 # ASE 65 021369-09255
 61 TAB 35 SN 021369-0925 # FOX AO 2-6 BOT 188 ELECTROCAR 8 249-1# STILL NC MM PLS ADV FIGS DON SN# #
 109 CTC 7 PZ CRD 021369-0925 # SL # 200 TELESIGN CLD 4# DAY# 87-1724-1# 200 # #
 8 QD 29 WRD 021369-0927 # ALL NYSEN CCTN RE EMERSON ELEC# MK READ ELECTRIC CO # HERE RPTG# ALL NYSEN
 EFFECTIVE INTLY DEALINGS WL BE IN \$0.90 CUM CV PFD# STK SER B \$2.50 PAR VAL REG WAY IN VIEW# OF CHG OF DE
 SIGNATION FROM EMERSON# ELECTRIC C
 \$1.80 CUM CV PFD# STK SER B # \$5 PAR VALUE# END NYSE STAN# #
 TAB 5 # 021369-0925 # JEN AS OF 2-5# PLS ADJUST# MM CNFM READS# SLD \$200 CRESCENT CORP REGO CV# SUB DEB 5
 2 JAN 1980 FCR 41-1672-1# SHD READ CRESCENT CORP CV SUB DEB# 5# JAN 1980 COUPON PLS FIX# WHITE HQ# #
 16 SN 36 SN 021369-0927 # FOX AO 2-11 SOLD 30 #G PRB 21- E3-11 TT# IS THE 5% PR MM CAPE PAC 6 PR PLS CK & ADV
 DON SN# #
 9 DC 0 CSC NS 021369-0936 # ALL WIRES - THOSE RECEIVING CUSTOMER CONFIRMATIONS AT NITE... PLEASE BE SURE AND A
 DV US HERE ON CSC IF YOU ARE STEPPING OUT OF# THE BLDG OR HAVE TC LEAVE WIRE UNATTENDED FOR ANY PERIOD OF TIME... THIS
 IS IMPRTANT AS WE MAY HAVE TC AT AN
 YTIME WIRE U REGARDING# BILLS IF SOME UNEXPECTED PROBLEM DEVELOPS... ALSO ITS IMPORTANT# THAT YOU TURN ON OR NEWS WIRE #
 ACH FIRST THING UPON ARRIVING IN# OFC
 AND TO LEAVE IT ON AS LONG AS U ARE THERE FOR THE DAYS WORK# AND TO NOT TURN IT OFF UNTIL EVERYTHING IS IN ORDER AND YO
 U AREA GOING HOME FOR THE NITE... #
 CANNOT EXPRESS ENOUGH THE IMPORTANCE OF YOUR GOING SO AS NEWS WIRE# IS USED AS A BACK-UP IN CASE OF ANY EMERGENCY CR WHE
 N WE HAVE TO MAKE SOME ANNOUNCEMENT
 TC ALL IN CASE CCMPUTER FAILS# TED GA #
 5 EXT 1 AA 021369-0925 SN # NOTHING DONE# AO 2/12# BUY 100 LB 96 DAY# ERDN #
 PA 27 # SL# 100 PFG 21# 6331-2# 100# # XW 30 021369-09250
 1 SN 1 AC 100 021369-0934 # SN# AO 2-11 SL 100 BOW 5% GTCH# ENTD 2-11# NOTHING CCNE STK AND YOU AC#

61 HQ 201 WRJ 021369-1227 # WHITE # RE TODAY 2-12 # RECD REPORT # 200 LINES CCS OF HQ 0205 # ACCT SHD READ IN 1999
 -1 # WE SHOW IN CORRECT ACCT # JEN TAB #
 675 CTC 19 BG 021369-1226 # RACE CTC # PERMANEE # RACE ORDER PENDING # INX DOT BG # \$
 686 CTC 105 BL 021369-1225 # PLSE RACE ORD PENDING# CMI CORPN JDM BL# \$
 81 EV 1334 CCAP 021369-1225 # EV KAB 114
 498 SVR 1334 CCAP 021369-1225 # EV KAB 114
 98 HS 25 CBT 021369-1229 # BOT# 5 MAY CORN IIS# HS 5406-9# \$
 499 SVR 1335 CCAP 021369-1225 # WRH KAB 189
 466 EDP 295 ZA 021369-1225 # SOLD 100 BE 17 # FF-8893-2\$
 1969 EXT 221 AC 021369-1225 # FL # BOT 20 CEX 9 3/16# 6848-2# \$
 202 LA O WRG NS 021369-1226 # HABASH 14--15 \$
 219 STA 232 CC 021369-1227 # RE REPORT 144 CD 244 XH BOT 100 CEA 55% CD 45# DCNT KNOW THIS ADV CD# \$
 66 RA 260 AA 021369-1226 # BOT 100 FFN 262# 6005-1# \$
 1970 EXT 222 AC 021369-1225 # FF # SLD 40C BFO 112# 9869-1# \$
 67 EL 219 WRC 021369-1225 # JC # NTT 3/11/60 86--85-8 86# HEARNE STAT# \$
 122 PT 191 WRH 021369-1225 # PGTERF RE 8675-2 FC DUE 2-19 1000,00 EDDIE CRD# \$
 4 CJ 208 AN 021369-1225 # SLD# 100 UK 466# CJ 50# H# \$
 6.4 CTC 176 PX 021369-1225 # LUKING FOR CFMATION ASOF 2/7# 695 60 COMPUTER CCUNSELING 26% FOR 1582-1 # WE HV YR
 REPORT 36 PX 77 WRA # BUT SUSAN IN THE P C S SAYS THEY SHOW NO SUCH TRADE # PLS LET HER KNOW # INKS# #
 HQ 81 # SUY# 100 RCI 17# GTCH 3761-2# 100# # X# 371 021369-1226
 7 WRH 1403 CCAP 021369-1239 # WRH REJECT# 15 TWICE# GX 197 WRH# HH FICCO INC LA ASSETS LIQUIDATED FOR BENEFIT#
 OF CREDITORS 3-23-66 NO STKHOOLDERS EQ
 500 SVR 1336 CCAP 021369-1226 # BG KAB 18
 127 SF 106 CF 021369-1226 # HI YA SILLY FOX # NOW DOESNT THAT SOUND RIDUCULOUS # ME \$
 61 AR 202 WRJ 021369-1228 # BUDDY # RE 1-22 2745-1 # BCT 300 AM VMORTGAGE INSURANCE CO 15 # SORRY ON 1-22 1 OK YR
 ADE PLS REPEAT YESS WITH BETTER DATE # JEN TAB #
 229 HU 259 AA 021369-1226 # BOT 100 PEN 7# GTCH 0392-1# \$
 1971 EXT 209 AN 021369-1225 # CJ # SLD# 100 UK 466# CJ 50# H# \$
 157 CD 308 AK 021369-1230 # BOT 10 FS 23-# \$
 1972 EXT 295 ZA 021369-1225 EDP # SOLD 100 BE 17 # FF-8893-2\$
 467 EDP 296 ZA 021369-1225 # BOT 500 J 83 # CN-0722-1 RCI
 1973 EXT 259 AA 021369-1225 # GX # BOT 100 ACM 398# 7062-2# \$
 5F 62 # SL# 200 GFI 18# 6020-1# CFM 200 GFI 18# AC 508 021369-12265
 HEND 133 WH 021369-1229 # SL# 2000 AC 10% # DAY# CXL# 10# # DAY# 4121-1# 2000# \$
 63 LD 226 AC 021369-1226 # SLD 100 CHO 12% 4026-1# \$
 1974 EXT 223 AC 021369-1225 # LS # SLD 100 ADB 202# 4427-1# \$
 105 KY 122 KY 021369-1227 # RCH CHANGE IN ACCUNT# 387-09-9754 91-1341-07 # MR ARTHUR P REINEMANN # HRS ELA
 INE M REINEMANN # 2873 SOUTH 72 STREET# WEST ALLIS WISCONSIN 53219 # HWE KY#
 1975 EXT 295 ZA 021369-1225 EDP # BOT 500 J 83 # CN-0722-1 RCI
 587 CTC 114 FL 021369-1226 # ARNIE CK WEIN IF THEY MAKE MKT IN# BARTEP ADV I HVE A LCT CF STK TO SELL COWAN# \$
 468 EDP 297 ZA 021369-1226 # BOT 100 J 83 # CN-0722-1 RCI
 1976 EXT 224 AC 021369-1226 # TL # BOT 100 WH 466# LVS 200# 9937-1# \$
 57 WRS 192 CN 021369-1226 # JAD PT 2 COTION MADE- FAR WEST FINANCIAL SLG 26 # WE ARE A LOSS WHY THESE COTIONS AR
 E NOT MADE# SCORER - WHAT ARE WE SPOSED TO DO TO GET THEM COTED# PLSE ADV AND INX PEN# FIN# #
 139 BO 258 WRF 021369-1225 # BOT 70 THI 20 # CPTS# BG-2223-2\$
 24 KE O CSC NS 021369-1227 # SUMPERS KE LISTS# BCND# # AA 5X-91 113X-15 LS 114# AMR 5X-91 127X-8X LS 12
 8# INR 5-83 108#-12 LS 107# MZ 5-92 OFFD AT 112# NS# UI 4--92 128-9 NS# THA 5-94 98-9 NS# #
 39 RK 251 WRC 021369-1225 # JDC RKN 3120-1 KING 31,25 DIV CN WOT STK ADV# ALEX CRD# \$
 LD 63 # SL# 100 ATM 564# 9850-2# 100# # ASE 498 021369-1226#
 123 PI 105 CF 021369-1226 # QIF # MEDFCRD PCRP # JIM CF#

914 LIL THUP LNDK
 CD 31 # SL# 100 NGE 400# 100 400# CB# # XH 37 021469-C919X
 RIRAY NYC 7 CH UPD 021469-0920 # SELL# 1 MARCH SUGAR NBR 8 3,24# DAY# OH 0604-1# 1# \$
 7 WRS 1 NX 021469-0922 # GOOD MORNING# CUD U BE MY VALENTINE# XXXXXXXXXXXXXXX# LUCILLE NX# \$
 12 DC 106 WRJ 021469-0923 # SCOTT # RE MADISON FUND OPT DIV 1133 162 3329-1 4320-2 4099-2 4100-2 # 4454-2 ARE REQ
 VESTING ROUNDO OUT OPT FOR YOUR INFORMATION # OPT NBR 1 IS TOTAL DIVIDEND IN STCK WITH C/I/L OF LESS THAN # 1 SHARE OPT
 NBR 2 # IS CAPITAL GAINS IN STCK WIT
 H ROUNDOUT AND THE BALANCE # OF DIVIDEND IS CASH AT 15 CENTS PER SHARE THE COMPANY RECOMMEND # OPT NBR 1 BUT ACCORDING T
 G YOUR WIRES YOU WANT TO EXERCISE # U
 PT NBR 2 PLEASE MAKE YOURSELF CLAR OPT NBR 1 GIVES # CUSTOMER MORE STOCK # THAX JOHN NCBLE #
 78 OTC 5 PL 021469-C919 # SL# 200C ROBER, REIS 16# 3460-1# 2000 # \$
 77 CEN 3 PB 021469-0919 # MARJ# PLS ADV IS THERE AN CTC PKY CR ANY OTHER MKT WHER# CHARTER OIL IS TOING# TKS
 WACLEN #
 75 OTC 6 PL 021469-0919 # SL# 100C ROBERT REIS 16# 3459-1# 1000 # \$
 PT 8 # BUY# 100 SX 44 # DAY# 2022-1# CFN 100# # AR 37 021469-0922
 919 BND THUP LNDK
 5 KM 22 WRD 021469-0925 # OCON 1470-7 NEEDS 4500# CF 2-13 CLZ JACK CRD# \$
 6 HS 9 FL 021469-0927 # DUZ HOUSTON SEC MAKE A MKT IN BARTER IND# ADV COHAN EL# \$
 80 OTC 5 LD 021469-0919 # BUY # 100 UN INDUSTRIES 5# # FGR # CESA-1 # 100 # \$
 25 CY 13 WRD 021469-0922 # ERN CYN 96037C-1 SLD 200 FIRST NATL REALTY CONSTR VAL 10-11# WEN ARE WE G
 EITING STR FURTH REO# VAS CRD# #
 23 POS 54 LS 021469-0920 # PLS BUST OUR ACCT# 054-2C-6968# 92-3817-24# JOHN J COLGAN CUST FORM JOHN J COLGAN JR A
 MINOR U MN UGTHAN 4956 OLIVER AVE SO# MPLS MINN 55409# GLS 15# \$
 49 CRD 3 KA 021469-0919 # DANIEL# RE 0925-1 WE PD THIS ACCT YDA IN ERROR# TDE IS BEING BUSTED TO 0924 AND CK WILL
 BEY RETD TO US# MURIEL# \$
 919 LACK#
 CH 5 # BUY# 100 ACT 17# 50 ON SALE# DAY# 2613-1 1# 100650# # XH 38 021469-0920
 50 CRD 12 BX 021469-0919 # NURSE 69-0021-1 BOT VAL 2-21 75 CITY INV CO SHIP BC BAKER BN# \$
 PX 3 # BUY# 200 GBC 94# 0373-1# 20C # # ASE 47 021469-0919
 PT 3 # SL# 200 FDR MKT# 4000-2# CFN 200# # AC 45 021469-0920#
 GC 13 # SL # 100 NYK A 47- # 3049-1 # 100 # ASE 48 021469-0920#
 919 TERM OTC LINE 094 NO RESPONSE TO CDC SEQ RGT# LINE 094 DCWN
 919 TERM OTC LINE 094 NO RESPONSE TO CDC SEQ RGT# LINE 094 DCWN
 81 OTC 4 BT CRD 021469-0919 # BUY# 150 WESTCOAST PRODUCTION 10# # BT 4041-1 # OB ADV BEST IF UNABLE 150 # \$
 PB 6 # BUY# 100 JWC MKT# GTC# 65-2211-1# # AN 22 021469-0920-
 51 CRD 13 BX 021469-0920 # NURSE 69-0033-1 BOT VAL 2-21 200 TRANSITRON ELECT CORP# SHIP BO BAKER BN# \$
 920 FF KNS # NCT IN ANY THL AND DELETE ABOR# TED G
 6 DS 2 FX 021469-0927 # GULF AEROSPACE INC# FX# \$
 10 KC 5 CH CRD 021469-0920 # BOT FRM 85-0327-1 400 LIFE INVESTORS OF NEBR 8# NET# SOLD TO 85-2610-1 8# PLUS REG#
 CH# #
 82 CTC 12 GC CRD 021469-0920 # SL# 50C 1 ST VA BARK SHARES 12 # GTC # GC 9737-1 # 50C \$
 52 CRD 14 BX 021469-0920 # NURSE 69-0131-1 BOT VAL 2-21 115 CRAMER ELECTRONICS# SHIP BO BAKER BN# \$
 14 BRN 8 TO 021469-0922 # TAYLOR# INDICATE# 50C ALPINE GECPHYSICAL INC CN OFFERING# 2382-1# CFN 500# \$
 5 RK 0 FS N5 021469-0920 # SALLY# AND HAPPY VALENTINES DAY TO U TOO# HOPE WE HAVE MANY MORE TOGETHER# EVEN IF ITS
 ONLY GIVER A TT# LUV# HALTER FS #
 16 BND 14 GC CRD 021469-0920 # BUY # 10 # BELL TEL PA 20-1976 MKT # GC 7075-1 # 10 # \$
 28 TAB 4 US 021469-0920 # MCCARTHY TAB HU ON 12-13-68 AN ENTRY WAS MADE ON # 84-5477-1 AS CXL 200 GEMINI FD INCO
 ME SHR AND THE # DOLLAR AMT 1307.38 THE DOLLAR AMT WAS FOR 100 SHARES AND# ACCT OUT CF BALANCE ON STOCK BY 100 SHARES #
 E FEEL THE# ENTRY SHLD HAVE BEEN 100
 SHARES INSTEAD CF 200 WITH SAME# MONEY PLS CK AND CORRECT TCM US #

ER DATE CK ITN STEVE STAN
 142 CGE 220 CN 021469-1256 # FAL PT 1 90-9400-1 ON 7/27 MADE ENTRY LONG 25# STRS DEFIANCE INDUST B WAS A GOOD ENTRY
 - AAC ON 10/74 THIS ENTRY THEY WERE ENTITLED TO THIS STK- PLS REENTER IN ACCT 25 SHRS AND PLS CXL CASH DIV \$1 MCRN #
 171 CN 310 XW 021469-1256 # J 83-- 10024 LS 23-8
 590 SVR 1611 CCAP 021469-1256 # FF KAB 201
 89 POS 75 LD 021469-1256 # 808 # 265-48-2988 63-3155-1-87 # MR JAMES E HOUSTON # 201 SOUTH
 HIBISCUS COURT # FORT LAUDERDALE FLA # 3314 # THANKS BRIAN LD # #
 74 BT 0 WRG NS 021469-1256 # NATL INVEST LIFE INS 4-5# OUTSIDE YCUS
 72 US 279 WRD 021469-1256 # BOB US# 84-7291 10 SHRS NATL LIFE ACCIDENT # INO ROY L BROWN CTF 63664#
 DTD 8-7-64 STK IN RSK# LUKS LK SLD OFC OF 68# ACCT EVEN BUT NEED PWR TO PK TFR# TO OURNAME ADV IF POSSBL TO
 GET SAME# GANNON CGE# #
 142 RCH 106 CH 021469-1256 # UR OPINION BARTER CCR# JOE CHN #
 116 FA 217 AV 021469-1256 # BOT 100 BAT 15-# ON LTN CJS
 79 DU 0 WRG NS 021469-1303 # PAT# NORTGAGTE EXPLORACTICN 18-3#
 228 LA 0 WRG NS 021469-1256 # 1407-1# TEL DE MEXICO ADR 76-8# ANDYS
 734 CBN 114 CL 021469-1256 # CTE NYSEN AMR 4-90# EAL 40-93# MD 40-91# UV 50-93# UHM 4-90# STN 4-90# NR 4--91#
 HAR 5X-91# AEX 5--93# SBK 42-86# SEN MML 6-89# RVC 62-92# CLN #
 229 PCX 252 KC 021469-1256 # BUY# 300 CCR 6# CXL 6# 7819-2# 300# #
 70 LD 75 LD 021469-1256 # 208 # 265-48-2988 63-3155-1-87 # MR JAMES E HOUSTON # 201 SOUTH
 HIBISCUS COURT # FORT LAUDERDALE FLA # 3314 # THANKS BRIAN LD # #
 2306 EXT 309 XW 021469-1256 # TL # BOT GEPP A# XXXXXX 300 AMC 12 # 1745-1# 8#
 279 BRM 109 JB 021469-1256 # BASSETT# WHAT MONTH & AT APPROX WHAT PRICE SHLD SILVER# BE PURCHASED# JUD JR# #
 169 CN 256 HU 021469-1256 # RE 6484-1# SORRY NO RE INTL LEISURE# ON CFFG TODAY AT 1100 PER UNIT# JACK TAYLOR#
 FF 202 # BUY# 200 TK MKT# 7726-2# 200# # ASE 612 021469-1256
 HQ 86 # SL# 200 BE 18-# 21-1# 200# # X# 429 021469-12573
 98 BL 0 WRG NS 021469-1256 # TCN INTL HELIUM 1--8#
 143 CGE 221 CN 021469-1256 # FAL PT 2 A DR ON 12/23 -- CR ADV WHY THIS DIV. CANCELLED# THEY WERE LONG JULY SYMT OF 5
 0 SHRS IN# TAY FINI# #
 170 CN 129 US 021469-1256 # GLEN CN ANYPOSSIBILITIES RE AVI SCRO TOM US# #
 256 TERM SPVR LINE 053 LINE XMIT DOWN
 143 TL 252 AC 021469-1258 # SGLD 50 SKU 4015/16# Q PKT# 7489-1#
 2310 EXT 183 AR 021469-1256 # WB # BOT 100 PGD 8# 9# LTN 60-9041-1# #
 132 SF 173 WRG 021469-1300 # BOB ACCT 480133-6 LG 300 RTS SYNTAX CAN SUB TO ONE SHR OF# ZODCON CORP FOR EACH 10 RTS
 # AT 11.00 ADV IF U WISH TO SUB CR WILL RTS BE SOLD# ADV SAP# RAY CGE.#
 256 SPVR TPUPLKOKE
 230 LA 182 TL 021469-1257 # QTE PACIFIC STD LIFE# BILL TLN # ANNREX# BACK ON TL AGAIN ALL FIXED UP NOW# RARB# #
 FS 68 # SL# 16 BY MKT# 1966-1# 16# # NOL 786 021469-1256N
 58 NK 188 BK 021469-1257 # BOT 40 LLX 742# AW 2908-1#
 528 CRD 75 TO 021469-1256 # CARLY ACCT SHD SHOW LONG 50 MSA - LONG 100 CRE# AND FLAT MEI - WE RECD \$1022 FM CLIENT ON
 FEB 12# NO FC SHD BE DUE PLS ADV THATS ACCT 3312-2# GPM# #
 110 RA 0 WRG NS 021469-1256 # BILL# RE CARRERAS LTD # YES PKT 1.03-13 # ANDYS
 9 PY 0 FS NS 021469-1259 # GIGIN HEY CC# ON NOW# U GOT MY CURIOUS# HOW DID HE GET U TO LVE UR JOB# BOOBY FS #
 AR 67 # BUY# 100 HNS MKT# NH# 0469-1# 100# # AM 435 021469-1256C
 138 HEND 203 FF 021469-1256 # BUY# 500 TK 23 # 9866-1# 500# #
 256 L UPE
 62 DS 260 HU 021469-1257 # RE 3187-1# SORRY NO RE INDICATIONS INTL LEISURE ON CFFG AT \$1100# UNIT JACK TAYLOR#
 141 RCH 83 KA 021469-1253 # STAT VIRGINIA # SEP # 126-414-420-924-1068-1237-1272-1540-2106# 2290-2322-2466-2509-31
 38-5231-7645-8564-8747K-9134-9272# 2 EA 340-7541-1886-1591-7595-7507-9170-9077# GOETHE STAT KC # #
 2311 EXT 217 AV 021469-1256 # FA # BOT 100 BAT 15-# ON LTN CJS

2579 EXT 396 ZA 021469-1354 EDP # BOT 300 RB 20% # PX-2341-13
 944 CTC 304 HU 021469-1354 # SL# 200 CALF MEDICAL CENTER 19# GTC# 9077-1# 200 19#
 211 LS 178 WR 021469-1354 # # S 1 SEP SILVER 188,80 # YR 207# # 0202-75
 65 CU 227 WRH 021469-1354 # WENDT RE 26-2555-1 CPN 90 M U S TSV# 43/92 HAS NOT BEEN CREDITED YET# SKU CRD#
 945 CTC 35 RY 021469-1354 # BLY # SOC RAPC INC 6% # CB # 500 # S
 25 AA 2008 CCAP 021469-1354 # AA REJECT# 342 TWICE# SN 342 AAN KFD 57 -2# 1-1# ASEN
 66 CU 228 WRH 021469-1354 # WENDT RE 26-5921-2 FED CALL 1786,00 DUE 2-21 MEN CRD# S
 763 EDP 387 ZA 021469-1354 # BOT 100 CLL 77% # LS-8553-15
 298C EXT 254 AV 021469-1354 # DU # BOT 300 GTY 44 # DU 111# DONLS
 KYRAB# 021469-1354 # BOT 300 GTY 44 # DU 112# DONLS
 2981 EXT 373 AM 021469-1354 # TO # BOT 200 90K 55% # CPFT# 1449-1T# SLK# 3-6-S
 97 CH 0 WRG NS 021469-1354 # ENTIRON 8X-9-S
 946 OTC 131 JB ORD 021469-1354 # ATTN HARVIEW BUY# ONE SPL PUT 100 OXY EXP APRIL 23RD FOR \$325,00# AT 50% - FILER S
 CHMCT# FUNDS IN HAND# FOK# JB 2172-2# # 1406-15
 97 CA 453 AK 021469-1354 # SL# 50 PAC 23# 1406-15
 82 EXT 253 ZB 021469-1354 # LS# BOT 100 GG 34# LS-3750-15
 112 FL 0 WRG NS 021469-1354 # PLS QTC BARTFP IND I UNDERSTAND# MESCO IS TRADING IT# THANKS# JIM S
 76 CP 2010 CCAP 021469-1354 # CP REJECT# MISPLACED FIGS 2 CR CR CR LF # #RCH 96 CP# STAT / RACE PLS
 2ND REQ# DOES HARRIS UPHAM HAVE A REPORT IN PROCESS ON# PITTSBURG FC
 117 KY 354 AC 021469-1357 # BCT 100 DPC 21% # 8385-1# S
 2983 EXT 255 AV 021469-1354 # CO # BOT 100 GTY 44 # CO 268# DONLS
 CC 193 # BUY # 50 PAF MKT # 6101-2 # 50 # ASE 764 021469-1354-
 765 SVR 2009 CCAP 021469-1354 # PX KAB 243
 179 KP 354 ZB 021469-1354 # BOT 100 SWX 34# CPTS# S
 2994 EXT 387 ZA 021469-1354 EDP # BOT 100 CLL 77% # LS-8553-15
 94 LS 561 WRA 021469-1355 # SLD 7 FALCONBRIDGE NICKEL MINES 108 USF# # 1270-1 S
 214 LS 329 WRJ 021469-1359 # ERIC# RE 0672-1 15 MM# AGW IN HU NAME SC BETTER SEND 0/0# FOR 10 SHARES LEN CRD#
 SN 197 # BUY# 100 ITK 76%# CXL 76# 766-1T# # XW 533 021469-13550
 784 EDP 388 ZA 021469-1354 # SOLD 100 MCB 56 # BO-7259-15
 EN 129 # SL# 100 UMT 27-# 2423-1# # AM 523 021469-1354E
 94 BO 180 SHD 021469-1354 # BOT 300 T 54-# LVS 400# BG 3514-1 RC# S
 60 KP 355 ZB 021469-1354 # BOT 200 SWX 34# LVS 100# S
 67 CC 563 WRA 021469-1355 # SLD 100 NATL FIDELITY LIFE INS 20-# # 0294-1 S
 94 LO 451 AK 021469-1354 # SLD 50 SOL 24# 3018-15
 168 RCH 91 AK 021469-1356 # OPINION PLS BUYING CORNELIUS CC# DIEHL AR# S
 139 PX 457 AK 021469-1356 # SLD 25 AT 402# 9821-25
 765 EDP 387 ZA 021469-1354 # SOLD 300 MGB 56-# # BC-7259-15
 766 SVR 2010 CCAP 021469-1354 # CP REJECT# MISPLACED FIGS 2 CR CR OR LF # #RCH 96 CP# STAT / RACE PLS
 2ND REQ# DOES HARRIS UPHAM HAVE A REPORT IN PROCESS ON# PITTSBURG FC
 2585 EXT 354 ZB 021469-1354 # WP # BOT 100 SWX 34# CPTS# S
 164 HEND 250 FF 021469-1356 # SL# 1500 SUB 19# CXL 19% # 9868-1# 1500# S
 2986 EXT 374 AM 021469-1354 # LD # SLD 100 G 23# # 8C-7259-15
 2957 EXT 382 ZA 021469-1354 EDP # SOLD 100 MCB 56 # # 8C-7259-15
 113 FL 234 WRC 021469-1354 # LIL ACCT 66-874-1 LG 100 RTS SYNTEX CAN SUB TO ONE SHR# OF ZOECON CORP FOR EACH 10 RTS
 AT 11, ACV IFU WISH# TO SUB CR WILL RTS BE SOLD ACV SAP# RAY CGE#
 53 TL 2022 CCAP 021469-1356 # TE KAB 45
 181 BR 452 AK 021469-1354 # SLD 35 J 83 # S
 2983 EXT 255 AV 021469-1354 # CO # BOT 100 GTY 44 # CO 268# DONLS

139 NYL 54 AM 021469-1404 # BUY 1 JULY LOTION 2 SELL 1 OCT LOTION 2 55 PIS UR MUKER PKEM ULIN GTCH 9719-94 \$
 13 AB 2065 CCAP 021469-1403 # AB KAD 255
 84 CSC 0 SHD AS 021469-1359 # MARC ---# RTR SHD 57 TC MEN TAX EDS# \$
 251 KC 313 HU 021469-1400 # BOT 5M NEWYORK STATE 4.709 2/15/87 4.75 BASIS WI NET# 6605-1# CONC -# \$
 216 LS 150 AB 021469-1405 # S 1 MARCH 69 SILVER 178.40M CN 17820 LTN UR 110W 0202-95
 183 TL 361 AC 021469-1400 # BCT 200 ATL 7 # 7892-1# \$
 309C EXT 267 JIV 021469-1359 # AR # SLD 100 GE 92 # ANBMS
 181 SF 366 AC 021469-1400 # BCT 400 DPC 210M GTCH 6211-2# \$
 106 JB 145 BL 021469-1400 # RACE FRESHN DALTO ELEC TNX# VIC BL# \$
 712 AC 2065 CCAP 021469-1403 # AC REJECTN MISPLACED FIGS 2 CR CR OR LF # SA 372 AC# BCT 100 DPC 21-#
 2043-2#
 97 FND 2110 CCAP 021469-1414 # FND REJECTN INCOMPLETE TRANSMISSICN HS 37 FND# N WHEELER HSN I SEARCHED AND FI
 ND NO RECORD OF RE-UT 3 5 PLAN FOR # PAVALIDER, AL
 85 CSC 0 80 NS 021469-1404 # WHY I GCT KAB MY 228 SEE AC REASCN HERE FOR IT # RPTING IT AS MY 232 OPENS # ADV JI
 M RC # \$
 172 RCH 191 FL 021469-1401 # PVE U HERD ANYTG TPL ACTIVE AND UP# RECENTLY USUALLY DEAD HP# \$
 377 TAB 106 PL 021469-1400 # SUSAN# MISSING CONFIRM# 2/12 B 50 INC 260 3591-1# ELLEN PL# \$
 31 FX 251 AS 021469-1400 # SOLD 5P SYO 16# Q PKT# FX 52\$
 3091 EXT 250 AB 021469-1400 # WH # BOT 10 EPT 22# Q PKT# 2675-1\$
 100 BT 235 WRH 021469-1400 # TON RE PANARTIC OREN PLS WIRE AS TO WHAT YOU WOULD LIKE TO KNOW# CONCERNING PANA
 RTIC CILS LTC# JR RCH# \$
 857 CTC 160 FL 021469-1400 # JIM SEC ANS PYM RE PARTED WE WIL ACT# DEAL WITH WESCO CEM U RECC THIS MSG FL# \$
 48 CMX 153 DE 021469-1400 # BUY 1 CAK MAY PGRK BELLIES MKT# 3881-2 # 1# \$
 143 KW 35 CRT 021469-1400 # BOT# 20 MARCH CORN 115# KW BP-6390# \$
 3092 EXT 403 2A 021469-1400 EDP # SOLD 6CC ABW 14# # SA-2236-2\$
 255 KC 250 WAC 021469-1404 # TYGETT ACCT 75-3277-2 LG 15 RTS SYNTAX CORP CAN SUB TON ONE SHR OF ZOECON COR FOR EACH
 10 RTS AT 11, ADV IF U WISH# TO SUB CR WILL RTS BE SOLD ADV SAPV RAY CGEN
 90 CU 331 WRJ 021469-1401 # EDNA# WHEN WIRING MONEY TO NY CR ASKING MONEY FRCH# NY PLS ADDRESS YR MSG TO CALLAMA
 N CASE I DO NOT # HANDLE WIRE TRFS SLIN TAB# \$
 145 PX 592 WRA 021469-1400 # BOT 10M PN 5- CV 100# # 4220-1 \$
 77 AR 239 WRH 021469-1401 # MAC FE 299240-1 I WILL MAKE THE SUB# RAY CGEN \$
 805 EDP 0 7A NS 021469-1400 # BCT 600 SPV 24# BG-1769-1 RCH \$
 3093 EXT 268 AV 021469-1400 # BC # SLD 300 SPV 24# HUP\$
 119 STA 76 CU 021469-1400 # NPL OUT SL 100 IO 33X CTC # CO # \$
 400 L UP
 118 FL 581 WRA 021469-1400 # SLD 2/3 CF A WYHANT UNITED NATL INVESTORS WS 2# # 4943-1 \$
 303 BD 471 AK 021469-1400 # SLD 12 HM 38# 5643-1\$
 3094 EXT 251 AB 021469-1400 # FX # SOLD 58 SYO 16# Q PKT# FX 52\$
 162 FA 229 LA 021469-1403 # RCH# TEXAS INTL 14#-0W \$
 79 AR 388 AN 021469-1405 # BO PROT 200 SOV 8 # AR92# EFHS
 3095 EXT 361 AC 021469-1400 # TL # BOT 200 ATL 7 # 7892-1# \$
 856 CTC 314 HU 021469-1402 # RE YOUR B WRGN JOT BUY 30P W VA TPKE 89 AT 72# TE 2412-1# WE HAVE TO HAVE THE COUPON#
 DCH#
 304 BD 189 SPD 021469-1400 # BCT 600 SPV 24# LVS BCO GTCH BD 1769-1 RCH \$
 79 EL 580 WRA 021469-1400 # BOT 100 OASA COR# 25# # 1695-1 \$
 252 KC 328 WRD 021469-1400 # TYGETT KCH 75-8554-1 LG 5# RTS SYNTAX CORP# CAN SUBSCRIBE TO ONE SHR ZOECON#
 CORP FOR EAM 10 RTS AT 511,00 ADV IF U WISH TO # SUBSCRIBE CR WL RTS BE SOLD ADV RACE RAY CGEN #
 400 TRMLS DCWA GY PA 2
 64 RH 363 AC 021469-1400 # BOT 100 ACC 27-# 27-ZH 0321-1# \$
 146 TL 474 AX 021469-1402 # SLD 49 PSD 37 # 7887-1\$

214 BND 232 LA 021469-1406 N NYK 22# SCLD 23-7206-1 LC BCT 9899850 NET# 100 WBO 23% PCX VSP 6-18-8 LAN \$
 103 BT 256 WKC 021469-1406 N BT TAKE REPORT AT 41- SOLD 5 ISDN DOLORES STAS
 350 STA 125 CH 021469-1406 N NOLN OUT BUY# 25 SPP 281 CXLN CH# \$
 842 EDP 0 7A NS 021469-1406 N BOT 200 BOK 55#N TO-1449-1TH \$
 1198 EXT 0 2A NS 021469-1406 EDP N BOT 200 BOK 55#N TC-1449-1TH \$
 215 BND 233 LA 021469-1406 N NYR 23# SCLD 23-7206-2 LC BCT 9899850 NET# 100 WBO 23% PCX VSP 6-18-8 2ND LOT LAN \$
 126 SHD 235 LA 021469-1406 N RE 191 SHD N BOT 200 SPS 13- LVS 350#N LA 0319-1RC # THIS IS DUPE 382 AM WE MAKEN IT O
 ACE ONLY REX LAN #
 98 CL 390 AC 021469-1411 N SLD 55 ARL 44-N 0002-1N \$
 200 CO 492 AK 021469-1407 N SLO 45 GA 18#S
 119 WA 552 WRA 021469-1406 N SLD 200 JOHN INGLIS 10#N 2431-1N \$
 59 RK 25 CMX 021469-1406 N SOLD 1 MAY BLY 3445 ON LIMIT# RK 6238-7N \$
 351 STA 126 CH 021469-1406 N NOLN OUT SELL# 30 APY 16 N CH# \$
 664 CRD 249 CC 021469-1406 N SUSS - RE 4676-1 TNX FOR WIRE ONLY THING MISSING FORM THIS A/C FM HAYDEN STONE IS 525
 LVO, DID ANYTG CCME# CVER FOR 4706-2 FM HAYDEN STONE TRACT DCN #
 943 LCP 0 2A NS 021469-1406 N SLD 100 G 23#N LD-0722-1N \$
 3199 EXT 265 AB 021469-1406 PA N SOLD 25 TEX 12 N 0756-1S \$ 90-9564-1 NET# B 100 90-16
 384 TAB 287 CN 021469-1407 N NYR 13# 300 HAVEN IND 7 N B 100 90-1656-1 PC
 58-1 PC# B 100 90-1652-1 PC X CAC# ...# #
 144 CY 25 CMX 021469-1406 N SOLD 1 MAY BLY 3445 ON LIMIT# RK 6238-7N \$
 3200 EXT 0 2A NS 021469-1406 EDP N SLD 100 G 23#N LD-0722-1N \$
 121 FL 10 WRG 021469-1406 N RE BARTEN CFM FL RECEIVED BARTEN MESSAGE TKS# JIM OTC \$
 844 EDP 0 2A NS 021469-1406 N BOT 100 BOK 55#N TO-1449-1TH \$
 3201 EXT 362 AA 021469-1406 RL N SLD 100 KKK 31#N \$
 352 STA 127 CH 021469-1406 N ASE# ADD BUY RD# 300 AZ WS 4 #N CH# \$
 971 CON 126 DF 021469-1406 N CTEN AGNICO MINES# UPPER CANADA# DEER HORN# BILL DFS
 235 RL 309 AN 021469-1407 N SLDN 100 COT 65#N LFRS
 3202 EXT 42C XN 021469-1406 FL N BOT 400 EAL 30#N P \$
 96 CL 334 WRD 021469-1408 N HEN CL# 79-0770-2 LG 100 RTS# RTS SYNTAX CORP CAN SUBSCRIBE TO 1 SHR OF ZOE
 CON CORPN FOR EA 10 RTS AT \$11, ADV RACE IF HISH TO# SUBSCRIBE OR WL RTS BE SOLD, ADV RACE RAY CGE# \$
 69 CO 493 AK 021469-1407 N BCT 50 HNS 34#N 6556-1S
 165 GC 366 WRF 021469-1408 N SLD 24 RCA 43#N CRTN GC-3232-1 \$
 73 NH 364 AA 021469-1406 N SLD 100 NYK A 46 N NH 62# \$
 3203 EXT 0 2A NS 021469-1406 EDP BOT 100 BOK 55#N TC-1449-1TH \$
 216 BND 234 LA 021469-1406 N NY 24# SCLD 23-7206-1 LC BCT 9899850 NET# 100 WBO 23% PCX VSP 6-18-8 LAN \$
 845 EDP 40# 2A 021469-1406 N SOLD 100 UPK 8 N CX-2678-2#
 3204 EXT 206 AB 021469-1406 FF N SOLD 40 GAB 32#N Q MKT# 3151-1S
 152 KA 203 FA 021469-1407 N BOT FM 83-1929-1 200 INTERNATIONAL DISPOSAL 8# LESS REGULAR# SOLD SAME TO 83-0304-1
 AT 8# NET # FA 200# N
 151 FF 267 AB 021469-1406 N BOT 300 TK 23#N Q MKT# LVS 700 ND# 9681-1S
 3205 EXT 308 AN 021469-1406 BL N SOLL 100 IC 47#N LAB# X LIMIT# \$
 310 PCX 177 WH 021469-1409 N BUY# 100 USI 30#N GTC# 1979-2# \$
 3206 EXT 363 AA 021469-1406 SHD N BOT 200 SGT 13#N Q MKT# GTC# 98-0147-0# \$
 353 STA 128 CH 021469-1406 N ASE# ADD SELL RD# 200 APA 38# CPO 39# CH# \$
 125 SHD 224 TL 021469-1407 N BGP - ERROR# RE OUR OD TDA SL 100 SWX MKT CPO 34% GTC TH 6451-2# APPARENTLY MCFADDEN T
 M THOT HE HAD OPEN ORDER IN TON SL 100 SWX AT 34% SINCE MID DECEMBER WHEN HIS CSRS LIMIT# WAS VIOLATED YOA HE GAVE REPCR
 Y TO CLIENT IN CKING WE COULD FIND N
 O RECORD OF OPEN HERE HE ENTD ANOTHER QD# TO SELL AT 34% THIS MORNING BUT MKT FADED - I CONT LIKE# THIS ANY MORE THAN YO
 U BUT PLS CREDIT THE ACCT THEN DIFFER
 ENTIAL BEFFEN REPORT PRICE AND HIS LIMIT TN# MUCH & ADV BILL TL# #N #

27 KC 59 WH 021769-0941 # SHEAF KC WE HV ASSIGNED E6-4182 TON LOUIS TALOROVITZ# 319 GREEN STREET# PEORIA, ILLINO
 IS 61603# HANDLED BY 03 WH#
 KC 52 # BUY# 200 FEL# MKT# 5517-1# 200# ASE 89 021769-09427
 136 CTC 11 KY 021769-0940 # UNITED REFINING# KYS
 213 CTC 44 PA 021769-0940 # SL# 2000 SANTI FE INTL CCLC 38 CENTS# 0792-1# TWO THOUSAND# \$
 KY 9 # SL# 50 RC MKT# 4168-1# NOL 181 021769-0940
 940 TERM PB LINE 032 NO RESPONSE TO TSC
 HT 5 # CXL SL# 500 INA 54# GTC# 0130-1# CLA AM 101 021769-0940
 HT 8 # SL# 1000 J 844# GTC# 0130-1# 1000 J # X# 68 021769-0940
 35 HEND 5 HT 021769-0940 # CXL SL# 500 INA 54# GTC# 0130-1# CL#
 9 FL 41 RPH 021769-0940 # RPH WERE YOU ABLE TO CALL SCHEN# RE BARTER AND DELIVERY OF # STOCK WE ARE TELEPHONING
 TRANSFER AGENT TO FLY AL KEY RPH
 214 CTC 58 # 021769-0940 # SL# 1000 RACCN INC 42# DAY# 2025-1# 1000 \$
 CD 60 # CXL BUY# 100 CDP 39# GTC# CXL 100 39# # AV 57 021769-0940
 15 BC 28 TL 021769-0941 # J M HURLEY JMW ANY IDEA WHAT CAUSED RECENT WEAKNESS IN MB# IS IT NOW ATTRACTIVE FOR RIZ
 RISK# PRT TL# #
 NB 5 # SL# 100 ACI 262# 5141-2# 1000 AV 58 021769-0941R
 10 PP 403 CCAP 021769-0941 # PP-KAB 21
 70 SVR 396 CCAP 021769-0940 # WRB REJECT# BAD ORDER QUANTITY# KAB THIS NUMBER# NOL 7 W8# BUY# 5XRX PKT # 9845-1#
 9
 940 TERM PB LINE 032 NO RESPONSE TO TSC
 9 PB 0 WRG NS 021769-0941 # WJL# COL GAS CC-52 91-4# SO CAL EC 6 91 87 BIDS
 109 CRD 14 PT 021769-0940 # JACK HU RE 8522-7 RECVD 114500700 2-14# GCH PT# \$
 KC 45 # BUY# 100 ELG MKT# DAY# 6362-1# # AM 102 021769-09407
 36 HEND 8 HT 021769-0940 # SL# 1000 J 843# GTC# 0130-1# 1000 J #
 940 END CF RETRIEVAL TO TERM AC
 6 CC 0 WRG NS 021769-0941 # PERMANENT 5--85 1022-3# TWA 5-94 58-98-0 AMERICAN FINANCIAL 54-80 94-97# EMPIRE GAS
 5-88 115 BICH TESCO 5--89 1005-1022#
 NH 8 # SL# 100 LSG 268# DAY# C280-1# # AP 103 021769-0940
 940 TRMLS DCHN AN A GY PA 0
 CA 19 # BUY# 10 CUM MKT# DAY# 9916-1# # NOL 182 021769-0940#
 11 HS 38 WRJ 021769-0945 # RCH # PAYMENTS DUE TODAY 5781-1 # PAYMENTS DUE 2/18 0297-1 4020-1 # 4576-1 5318-1 5565-
 1 67C6-1 # 7122-1 PLS ADV IF N XT ARE DUE # GPC CRD #
 HT 6 # SL# 31 CUM MKT# GTC# 0130-1# 31# NCL 183 021769-0940C
 KC 46 # CXL BUY# 10 P 714# GTC# 7726-1# CXL# # NCL 184 021769-0940#
 215 CTC 36 PX 021769-0940 # SL# 500 FIHU UFL MINING CC 17# 0605-2# 500 # \$
 CA 20 # BUY# 10 CUM MKT# DAY# 9916-1# 2ND LOT# # NCL 185 021769-0940R
 3 CX 38 WRH 021769-0940 # LGRETTA RE YGUP SHIP 2-3 ACCT 35-7C26-1# YOU LIST 6 DRESSER IND SHOULD READ \$2 PFD
 PLS CHANGE# # EGYCE CGE# #
 4 WR2 422 CCAP 021769-0946 # WRB REJECT# INCOMPLETE TRANSMISSION# ASE 15 GEN SL# 4L
 71 SVR 400 CCAP 021769-0941 # XW KAB 1
 111 CRD 12 KY 021769-0941 # SEMP RE 8041-1 SHOW CK RECD \$2380.50 ON 2/11 TCH EVEN NTHG OPEN AEK#
 KY 10 # SL# 100 UP PR 11 # GTC# 4168-1# AM 104 021769-0940N
 JB 2 # BUY# 100 SUG PR EX# DAY# 4954-1# # AM 105 021769-0942#
 940 AN TRUP LARD
 BO 42 # BUY# 3# TII MKT# 2754-1# # NCL 186 021769-0941
 RTR10 US 13 WRA 021769-0941 # RACCN RE YCLR 66 THIS AM I SENT YOU A REPORT ASOF 2-14 SLC 60 PIN# POINT# MNS PLS ADV IF
 THIS IS ADDITIONAL ON THE SAME ORDER# OTC #
 137 CTC 60 WH 021769-0941 # CTE EAGLE GOLD MINES# FRED WH#
 KC 44 # BUY# 200 FEL# MKT# 5517-1# 200# ASE 89 021769-0941#

T MSC# ADELE PAV #
 40 TL 29 DK 022669-1028 # BOT 50 DA 52-N Q 53N GTCN 6059-1N \$
 39 RL 27 AM 022669-1028 # BOT 400 MAR 18# EFH\$
 216 EXT 27 AM 022669-1028 # BOT 400 MAR 18# EFH\$
 DT 42 # BUY# 200 FLG 22# 3200-1 T 700 # AM 175 022669-10280
 229 CRD 33 BX 022669-1028 # NURSE 69-6459-1 TRU I RECD 626.99 AND I KEEP IT SEEMS# CUST SAYS HE RECD TWO CKS AND RE
 TURNED ONE WF SEEM# TO THINK CUST IS WRONG BLYNN BOW#
 R4 LA 112 WRA 022669-1029 # BOT 2 M CUC 6/83 112# 4009-6 \$
 028 L-UP
 KY 45 # BUY# 50 KFR 49 # R922-2 # ASE 21# 022669-1029C
 J8 25 # SL# 100 RCX 36# 5 ON SALE# GTC# 3494-1# 10065# AM 176 022669-1028
 40 RL 28 AM 022669-1028 # BOT 300 MAR 18# EFH\$
 217 EXT 42 XW 022669-1028 # LA# BOT 200 ATT 24# LA 46# EFH\$
 83 LA 50 AA 022669-1029 # BOT 100 RT A 43# Q MKT# QTE -/M# 5837-1N \$
 218 EXT 47 AV 022669-1028 # FL# BOT 400 CG 29# 0-2 IN X U C 2# LVS 1100# FL 16# GREG-3 DOR-1#
 17 PB 681 CCAP 022669-1028 # PB REFECT# DK WIRE CCDE# RL 45 PBN BUY# 100 FAL 12# DAY# 65-3792-1# W
 219 EXT 31 7R 022669-1028 # EN# SLD 200 RT 21# EN-4439-2#
 137 TAB 46 US 022669-1028 # FRANK 2-24 S 100 GM 78 6879-1 ASKED ORDER DEPT TO RUST# TO 7386-1 AND THEY INCORRECTL
 Y RUSTED TO 1150 RECD BILLINGS# BOTH FOR 6879-1 AND 1150-1 ACTUAL SALE SHLD BE IN 7386-1 # ADV LENA US #
 230 CRD 33 WM 022669-1028 # PAUL# GOOD MORNING# THX YR HIRE IF WONDERING WHY YR WIRES CMG SON MISPELLED CAN HARCLY
 READ THEM# RET#
 15 PK 52 AA 022669-1030 # BOT 10 ALW 16# U PKT# GTC# 3704-1# \$
 25R QNY 50 CJ 022669-1029 # QTE P C E EXPLORATION# MOSS# CJ# \$
 30 CNU 41 PR ORD 022669-1028 # CXL SL# 100 INTERSTATE LIFE & ACCIDENT 14 # 3020-1# CXL# \$
 220 EXT 28 AM 022669-1028 # RL# BOT 300 MAR 18# EFH\$
 41 RL 29 AM 022669-1028 # BOT 300 ENX 37# M\$
 221 EXT 0-2A-N# 022669-1028 # BOT 200 UCL 52# LA-0326-1 RC# \$
 43 FND 28 GX 022669-1028 # SL# 777 FIDELITY TREND FD PKT # NO SER CHARGE# 9910-1# 777 # KLUGH AND CO ST
 K IN ACCT #
 25 CJ 108 WRJ 022669-1029 # VA # OK PAY 0061-1 R95.18 # 7095-1 1719.71 # FEV CRD \$
 3 EDP C 2A NS 022669-1032 # BOT 100 ST 52# 9P-0145-0# \$
 222 EXT 29 AM 022669-1028 # RL# BOT 300 ENX 37# M\$
 294 UTC 47 DE TRL# 022669-1029 # SL# 100 REPUBLIC NATL LIFE MKT# 3435-1# 100# \$
 42 RL 30 AM 022669-1028 # SLD 100 ARH 78 # SLK\$
 223 EXT 30 AM 022669-1028 # RL# SLD 100 AFH 78 # SLK\$
 41 RD 106 WRJ 022669-1028 # RE SOLD 50 PFC 17 ON 2/20/69 ACCT 5257-1 # CLIK ON ASE FLOOR MADE ERROR AND BOT THE
 STK INSTEAD # OF SOLD EVEN THO RPT WENT TO YOU AS SOLD 1 AM # SELLING OUT 50 SHRS TODAY AND GIVE YOU A CREDIT IF NEED BE
 # STA ASE ED CLOST #
 49 LS 106 WRC 022669-1029 # RICK# RE C760-1 YR WIRE DEL TO BKRS TR 100 UNTO UTIL# ACCT DOESNT SHOW THIS BUY RCT
 LG# LEN CRD#
 76 CGF 67 FL 022669-1029 # SMYTHE RE BARTCP HAS IT ACEN SHIPPT LEV NCT RHY R# \$
 14 NH 111 WRJ 022669-1030 # JR # US TREASURY 3- 6-15-83/78 # CAN BE USED TO PAY ESTATE TAXES WHEN CPART OF DECEDEN
 TS # ESTATE BIRD PCH#
 8 CMX 44 KY 022669-1029 # SL# 5 MAY PORK HELLIES 36.50 # 0400-9 \$
 43 PL 36 AM 022669-1029 # BOT 300 FTE PR 37# PFF\$
 224 EXT 44 AV 022669-1028 # PT # SLD 100 RTN 40# 0--# 3460-2# LSN\$
 028 TRMLS DOWN GY PA-0
 30 FG 44 XW 022669-1029 # SLD 200 DXY 43# EG 22# M \$
 225 EXT 31 AM 022669-1028 # HS# SLD 200 SRT 39# HS37# AH\$
 FTR 27 NW 12 1# 022669-1028 # SLD 100 SRT 39# 1# 15# GS\$

20 WM 135 WRJ 022669-1041 N AMERICAN MOTOR TANKS 183-19-5
 149 TAO 45 DU 022669-1041 N JENN PT MM 31-5457-1 SLD 100 TECHNICOLOR 216 2/25 THIS WAS CMPLT BUST M OUN \$
 36 DA 0 WPG NS 022669-1041 N RF 50 LYNN COMM 36 N NOONE 35-675
 34 US 57 ZD 022669-1041 N BOT 100 MAR 18N US-3287-23
 396 EXT 55 ZA 022669-1041 N EDV N SOLD 100 LRS 59 N 03-0100-03
 56 CY 76 FL 022669-1042 N DILL RACE RE BARTEP IND TFR AGENT IS REGISTRAR ANDN TGR CO 15 EXCHANGE PLACE JERSEY C
 ITY NEW JERSEY N LILK \$
 33 CBT 51 KH CRD 022669-1042 N CXL BUYN 4 MCH NELLIES 3515N 3904-9N CXL MISDIRECTEDN \$
 NR 34 N CXL BUYN 100 GYK 13 N GTC DNR 1331-24 CXL 100N N AC 227 022669-1040
 6C HU 44 AB 022669-1041 N BOT 100 SLI 227N Q 23 GTCN 3892-75
 45 WH 123 WPJ 022669-1041 N DUKE N DO NOT UNDERSTAND YOUR WIRE N MONCK WILL YOU PLS REPEAT N MARJ IN \$
 39 KW 14 CRT 022669-1043 N BOTN 20 MARCH CORN 113NN KW 88-3310-9N \$
 9 EDP 56 ZA 022669-1041 N OLD 100 CAF 52- N FF-3007-15
 397 EXT 57 ZR 022669-1040 US N BOT 100 MAR 18N US-3287-23
 LS 106 N BUYN 10 MCL MKT N DAYN 8845-14 N NOL 381 022669-1040S
 CX 34 N BUYN 83 T MKT N 5434-1N 83 T N NOL 382 022669-1041N
 PA 53 N CXL BUYN 100 COR N N GTCN 1037-14 CXL 100N N AC 228 022669-1041
 264 CRD 38 AR 022669-1042 N RJLN CR DAL 9800-1N DIENL ARS \$
 53 TW 68 WRO 022669-1043 N BARB N NO F C TODAYN LST DAYS DUE TODAYN 0136-1 FOR 5:13 1695-1 FOR 949:35N 0204-1 FOR 3
 771:28 1874-1 FNR RLE 05N 1508-1 FOR 1080:13N PLS ADV THAT YOU RECEIVED THIS WIRE CPH CRON N
 35 US 58 ZR 022669-1041 N BOT 100 MAR 18N US-1820-25
 398 EXT 67 AN 022669-1040 RL N BOTN 100 AMX 44EN ON 45 LTN LRS
 6R RL 70 XW 022669-1041 N SLD 100 SYD 300N GSS
 399 EXT 56 ZA 022669-1041 EDP N OLD 100 CAF 52- N FF-3007-15
 29 KY 134 WRJ 022669-1042 N WVD N NORWEGIAN AMERICAN OK \$
 31 NW 59 ZD 022669-1041 N BOT 100 FTE PR 33N NW-5592-15
 10 EDP 57 ZA 022669-1041 N SOLD 100 TRW 40 N 04-0100-05
 1R TE 152 WRA 022669-1042 N RE SL 100 RUSSELL ALUM CORP 18N MKT 16-17 \$
 400 EXT 58 ZR 022669-1041 US N BOT 100 MAR 18N US-1820-25
 55 PX 151 WRA 022669-1042 N RE SL 200 FIFTH DIMENSION 13N MKT 12--3- \$
 46 WH 143 WRA 022669-1041 N BILL N ILLUSTRATED WORLD BOOK 133-155 \$
 150 YAD 78 KC 022669-1042 N FRANKN COA 2/25 LCL 11 BCT 110 CENCOR 143 75-0505-1N SHUD BE 75-0445-1 DONKC \$
 FN 54 N BUYN 100 IPR 155N 1615-14N XW 145 022669-1041U
 DC 50 N SLN 100 MII 434 5579-1N N XW 146 022669-10412
 20 FA 47 BK 022669-1041 N BOT 100 76N 1127-15 \$
 401 EXT 70 XW 022669-1041 PL N SLD 100 SYD 300N GSS
 134 STA 37 KY 022669-1041 N RF BOT 50 LTR 492 2151-1 2/25 IS THIS CORRECT PRICE THIS WAS A OPN ORD FOR 150 SHRS 10
 0 FILLED AT 50 N IS 492 COT ON 50 SHRSN SYDNFY KMN N
 69 RL 68 AN 022669-1041 N BOTN 100 AMX 44EN CN 52 LTN N \$
 402 EXT 57 ZA 022669-1041 EDP N SOLD 100 TRW 40 N 04-0100-05
 47 WH 0 WRO NS 022669-1041 N FRED N LADY BALTIMORE OK CH TITLES
 11 EDP 58 ZA 022669-1041 N SOLD 100 SNA 52- N PK-3183-15
 403 EXT 68 AN 022669-1041 N RL N BOTN 100 AMX 44EN ON 52 LTN N \$
 FX 27 N SLN 100 HIS MKT N DAYN 3388-1N 100N N ASE 260 022669-10410
 PX 113 N BUYN 100 GRE PRA 29N 5855-24 100N N AM 189 022669-1041
 38 EG 73 SX 022669-1041 N FG 4904-1 BOT 44 MCULDINGS INC 37N ON PKT BF 98-9980-0N NET SFOTC SXN \$
 70 RL 69 AN 022669-1041 N BOTN 100 AMX 44EN CN 52 LTN N \$
 404 EXT 58 ZA 022669-1041 EDP N SOLD 100 SNA 52- N PK-3183-15
 49 FF 144 WRA 022669-1041 N NATL PATENTS 75-85 \$
 15 GX 13 CRT 022669-1042 N BOTN 5 SEPT WHEAT 122N N CY 4655-0N \$

119 TERM CP LINE UTA-NO RESPONSE TO-TSC
59 FND 101 KC 022669-1119 # MIKE FALK# RE 100 NATIONAL INVESTORS STOCK SHUD BE IN OUR OFFICE# TODAY ACCT 9009 MMK
CN #
84 KC 144 AM 022669-1120 # CICKEN# GOV# # 242-5# 10-7#
77 SHD 166 AK 022669-1121 # SLD 55-ET 37# # HUS
31 FX 71 RD 022669-1122 # MPB CORP 9#-10-# #
130 RL 142 AM 022669-1119 # SLD 300-PPG 33 # CLET STOP# CMPT# RED#
943 EXT 141 AM 022669-1119 CN # BUT 100 A 51-# CN103# REYS
68 SF 145 WRH 022669-1121 # HARTY BK 778 1 SHON BAL AT CLCSE# 2-17 40926.22 OVER DRAW# SLIM PAU# #
PS 55 # CXL BUY# 10# LIN A 19# 0996-1# 100 CXL# # AC 318 022669-11190
101 BRM 57 CL 022669-1117 # TAYLOR# CXL# HV# IND# INT# PCR# 100# MR# STEAK# CN# OFFG# CL 1657-1# CXL# #
US 80 # BUY# 10 J MKT# 7628-1 T# J# # NOL 491 022669-1119#
60 FND 5# RA 022669-1120 # WEHMEYER# RF 7056-1# NAME OF ACCT IS# HEDBERG# MURTEL# #
KC 102 # BUY# 25 CR 29# 23#-1 T# # NUL 492 022669-1119#
41-HQ 67 DX 022669-112# # SLC# BUT 30 R# 42#-HC 41-6476-1 VIA DC VERN DC# #
51 NYC 70 PT ORD 022669-1119 # BUY 1 SFPT SUGAR 350# DAY# 3346-7# CFN 1 350# #
104 HR 163 AK 022669-1120 # SLD 17-1#-66#-SHCK# 0-66#-#-U876-3#
25 NP 76 AB 022669-1120 # BOT 300 PEN 5# GTC# 2071-1# #
279 SVR 932 CCAP 022669-1119 # JR KAU-47
47 EN 132 WH 022669-1119 # BOT 200 GO 4# # 43#-4- SLD AT 44 B4U# 4036-2# MAB #
944 EXT 142 AM 022669-1119 RL # SLD 300-PPG 33 # CLET STOP# CMPT# RED#
TE 26 # SLA 35 C7 MKT# 0993-1# # NOL 493 022669-1120A
102 BRM 5# CL 022669-1119 # TAYLOR# CXL# HV# IND# INT# IN 100# MR# STEAK# CN# OFFG# CL 3981-1# CXL# #
90 SX 93 AV 022669-1120 # BOT 100 ED PR A 75-# LB#
52 NYC 93 WH 022669-1122 # SELL# 2# PAY# MAINE# PCTATG# 300# DAY# 3015-7# 2 #
KH 37 # BUY# 100 ISC 12# GTC# 0955-1# 100# # ASE 349 022669-1120S
PX 148 # SL# INC# NUL# 6# 9#15-2# 100# # AC 319 022669-1120A
119 TERM CP LINE UTA-NO RESPONSE
77 CN 161 WRH 022669-1120 # BILL RACE RE BARTEP INDUSTRIES# R AND I SAYS ONLY COMMON 10 CENTS PAR# AND
FOR YOUR INFO AN AWFUL LOT OF THIS IS# INVESTMENT STKS AND NOT STAMPED# SMYTHE CG# #
131 RL 151 AM 022669-1122 # L4SOLD 100 CRI 52# 52#LT# #
945 EXT 132 WH 022669-1119 CN # BOT 200 GO 4# # 43#-4- SLD AT 44 B4U# 4036-2# MAB #
65 PT 171 MWC 022669-1120 # SHIRL RE OTTO J ARNOSCHT RECD PAPERS ON ABOVE U DID NOT SEND# AN ACCTG # WITH SALARY A
ND STARTING DATE IN RETURNING# MEMO 220 THAT U SENT IT IS SUPPOSED TO BE KEPT IN YR OFFICE# DOROTHY LOSCO PERSONNEL# WR
SH
48 EN 162 AK 022669-1119 # BOT 10 AHS 32-# 3059-1#
946 EXT 143 AM 022669-1120 CP # BOT 100 CHY 14# # W# #
120 L UP
76 CN 164 AK 022669-1120 # BOT 20 EPI 28 # C 28# OPN# 7917-1#
124 BND 97 LA 022669-1120 # NYR 11# SOLD 6605-1 LC RCT 9899850 NET# -FIVE- UCL 52# PCX LAN #
103 BRM 55 CL 022669-1120 # TAYLOR# CXL# HV# IND# INT# IN 100# MR# STEAK# CN# OFFG# CL 3948-1# CXL# #
3#9 QDN 105 KC 022669-1120 # MARJ# GLEN LAKES SILVER# PATRICIA PINING# DICKK# #
30 CX 129 AA 022669-1122 # BOT 200 RPC 18# # #364-2# #
2#0 SVR 933 CCAP 022669-1120 # DU MAB 64
EL 69 # SLD 100 RCT 22# GTC# 3983-1# 100# # AV 168 022669-1120#
FA 101 # BUY# 100# LTR MKT# N# # 4845-2 # 1000 # # AM 282 022669-1120
67 PT 143 WRH 022669-1121 # ACCT 9936-3 AS OF 2-25 BOT 200 ULV 26# WE BUSTED# THE SELL TRADE NEW FIGS ARE 5375
CG 64# R# 541# R# NET JIM TARN #
12 04 15 04 02 02 1121 # 12 04 15 04 02 02 1121 # 12 04 15 04 02 02 1121 # 12 04 15 04 02 02 1121 # 12 04 15 04 02 02 1121 #

977 EXT 131 AA 022669-1122 # SLO 200 ATH 53 # 0 53 LT # SM 56 #
 164 TAB 48 AR 022669-1122 # JFN# DONT UNDERSTAND YOUR MSG 76 WRHN RE SLO 50 LTR WS 30 # 0968-1 FAYS ON 2-25# WANT U
 TO CFM TT THE 0046-1 HAS BEEN RUSTED TO 0568-1 # 1# THANKS ARA #
 SM 43 # BUY# 50 VNO MKT# 50# # NOL 503 022669-11222
 43 PB 114 SHD 100 022669-1122 # SLO 200 DPH 7# AD 275# PH 3909-1# #
 47 SM 132 AA 022669-1122 # ROT 100 RAY 43 # Q PKT# SM 53# #
 978 EXT 132 AA 022669-1122 # SLO 200 RAY 43 # Q PKT# SM 53# #
 392 QTC 115 SHD 022669-1122 # DON DUGAN -# ROT 100 LTR 47- HCUSE# GARY CURRERI SHD# #
 37 HQ 135 XW 022669-1122 # ROT 100 YB 48 # HQ 60# VINER #
 122 Q NONE OVER #
 HU 105 # BUY# 100 OF MKT# ARCO-2# AV 151 022669-11225
 53 CBT 85 DE 022669-1123 # BUY 15 MAY SOYBEANS# SELL 15 NOV SOYBEANS MKT# 4077-7# 15 & 15# #
 41 JR 953 CCAP 022669-1123 # JR REJECT# INCOMPLETE TRANSMISSION# ASE 52 JBN BUY# 100 CLY 20# C
 DE 84 # BUY# 25 CMC MKT# CR45-1# # NOL 504 022669-11225
 RA 59 # BUY# 200 SCL 25# # 4174-1# 200# # AC 327 022669-1122#
 44 PB 121 SHD 022669-1126 # NAT - DISRE RE 39 AN ROT 100 MD 422 TNK# JPH STAN #
 25 OF 0 SF NS 022669-1125 # LYS# GOOD MORNING SORRY I# LATE KINDA OF BUSY RITE NOW# GUESS NOT OUTTA THE LAST 30 DA
 YS ITS RAINED# 32 OF EM DOO HORN IM ALL W E T LAR# #
 CD 168 # SL# 100 INV MKT# GTC# 100# # XW 233 022669-1123
 195 STA 153 PX 022669-1122 # REPORT TO BUY# 100 MGU PR 3# GTC# FOR 1947-1# #
 43 HS 153 AM 022669-1123 # SLO 300 LVO 10# # 10RSTPH# HUPI# HI# WIS
 123 CGE 9R FL 022669-1122 # SMYTHE RE DARTED THIS IS 4 WEEKS HCH CUM RHN #
 979 EXT 135 XW 022669-1122 # HQ # ROT 100 YB 48 # HQ 60# VINER #
 DO 70 # BUY# 50 PL 14 # 2914-1 # 50/16 # # ASE 356 022669-1122C
 CD 170 # SL# 40 GSX MKT# GTC# 40# # NOL 505 022669-1123W
 HU 104 # BUY# 100 SD MKT# R806-2# AN 209 022669-11225
 153 LA 26 GE 022669-1123 # SAM# BUY# 1000 NEWBAR TELEONICS# 42# GTC# ADDITIONAL# 0234-1# 1000#
 356 CRD 76 CY 022669-1122 # SHANK KY GRAIN CFM SOLD# 5 PRK 3650# #
 91 SX 135 AA 022669-1122 # SLO 300 KSM 27 # 7432-2-100# 3792-1-200# #
 8 WPD 1440 CCAP 022669-1313 # WRD REJECT# INCOMPLETE TRANSMISSION# LT 209 WRDN RYN SLO 1 LIT 53# 6699-1# L
 79 SHD 124 BK 022669-1124 # ROT 50 TA 67# 99-0147-0 DXT# #
 287 SVR 953 CCAP 022669-1123 # JR REJECT# INCOMPLETE TRANSMISSION# ASE 52 JBN BUY# 100 CLY 20# C
 123 TERM TO LTR# C16 NO RESPONSE TO TSC #
 AT 57 # BUY# 100 T 51 # GTC # 0006-1 T # T# # AN 210 022669-1123M
 99 NC 134 AA 022669-1122 # ROT 100 210 # NC 150# #
 9PC EXT 133 AA 022669-1122 # RB # SLO 100 ROY 5 # Q PKT# 3612-1# #
 343 QTC 57 GX 022669-1124 # KY CENTRAL LIFE CL# A KCM VOTING # #
 434 QTC 68 DU 022669-1123 # TO 35-36# BUY# 100 MEDTRONIC INC 36# DAY# 5001-1# 100# #
 29 CHX 40 TO 022669-1125 # BUY# 1 CAK JULY PCRK BELLY MKT# 3139-9# #
 981 EXT 102 AV 022669-1122 # RL # SLO 100 NNG 57# CNGTC STP# #
 113 RL 140 XW 022669-1125 # ROT 200 GRA 39# DUNE #
 982 EXT 134 AA 022669-1122 # NC # ROT 100 210 # NC 150# #
 31 DS 230 WRA 022669-1122 # RE-BUY 400 UTAH POWER AND LIGHT 12R CM PR 19# FOR YOUR OUT 182 DID #
 39 WM 77 CY 022669-1123 # SHANK WM GRAIN CFM SOLD# 20 WU 132# #
 BL 71 # BUY# 300 LS 8# 9304-2# 300# # AC 328 022669-1123#
 359 CRD 77 CY 022669-1123 # SHANK WM GRAIN CFM SOLD# 20 WU 132# #
 87 LS 152 2# 022669-112# # ROT 100 WAC 36# LS 1476-2#
 EN 77 # BUY# 100 APA WSN# MKT# 2577-8# # ASE 357 022669-1122
 FS 56 # BUY# 100 NCH 10# GTC# 0627-1# 100# # AV 192 022669-1123F
 101 STA 153 PX 022669-1122 # REPORT TO BUY# 100 MGU PR 3# GTC# FOR 1947-1# #

82 US 213 AA 022669-1219 # BOT 100 LB 85# 1591-24#
 0A-92-# BUY# 100 WYL # 187# DAY# 1683-1# 100# AC 441 022669-1219
 47 RK 339 WRA 022669-1221 # RE BUY 10M GRAPHIC SCI # PLS FIVE FULL INFO ON COUPON AND MATURITY AND PRICEN ALAN BND
 275 STA R# SF 022669-1219 # STA 2ND REON REQUEST STATUS /B AS OF 2-25# 100 CH 40# DAY# 2769-1# RE NRL 134 SF HC
 M SF# #
 186 RL 221 XW 022669-1219 # BOT 100 RDC 20# STS
 1714 EXT 220 XW 022669-1219 # EN # BOT 100 TRF 15#
 4M 73 # SL# 100 CM MKT# 79 CM MKT# 753-1# 100 C 79 # AM 388 022669-1219#
 5CR CRD 162 CN 022669-1219 # VAS SHIP TO CN 98-9990 NEGC FOR DELY TO 906235-1# 50 CONS NATURAL GAS CO VAL 3-3 LL# \$
 80 BL 154 BRM 022669-1226 # LYNCH RE PB INDUSTRIES, REPEATING WIRE SENT YSTY MORNING# SORRY NO SELLING GRP ON OF
 FG AT 10# JACK TAYLOR#
 276 STA 120 WH 022669-1219 # NOL RE OUR ORDER /76 TODAY BUY 25 GPU 29# OR GTC 2936-1# PLS GIVE REPORT # TNX MARY LO
 U WH# #
 81 WH 248 AM 10N 022669-1221-# GEN 37%-H 100# LS 28
 104 CC 151 WRD 022669-1219 # ANITAF RE 0690-1# NKP 51098# SSS CRD# \$
 62 POS 59 NX 022669-1219 # JOHN MULLINS# NEW ACCT# 50-9980-12# MR HOWARD FAIRHURST# 35 NORTH MIDLAND AVE# KEARNY N
 J 07032# LUCILLE NX# #
 509 CRD 163 CN 022669-1219 # VAS SHIP TO CN 98-9990 NEGC FOR DELY TO 906235/1 50 SCM CORP VAL 3-3 LL# \$
 487 GTC 181 PX 022669-1219 # ATTN LILL# # PLS QTE# FOR 5 ADDER PX# # PERMEATOR# MTCOM# COMPUTAX SERVICE
 S # TNX PX# #
 131 CN 215 AN 022669-1219 # SLD# 100 T 516# 2-# M 9581-1# LAB#
 1715 EXT 215 AN 022669-1219 # CN # SLD# 100 T 516# 2-# M 9581-1# LAB#
 93 GL 290 AK 022669-1221 # BOT 25 GEN 23# 1073-2# \$
 165 DC 69 WR 022669-1219 # S 1 MAY 8 SUGAR 345# ON 44 LTN UR 110# 5950-7#
 47 CHX 62 KM 022669-1219 # BUY 3 MAY 10AMC PCIS MKT# 2791-9# 5 MKT# \$
 1716 EXT 132 ZA 022669-1219 # END # SOLD 200 NTY 14# RH-5229-1#
 71 RB 105 DE 022669-1219 # HD STATE LIFE INS CF COLC 2-# D-DE# \$
 550 UTC 220 CD 022669-1219 # SL# \$500 US TREASURY 3 PCT 3-15-1995 MKT# \$500# \$
 360 EDP 333 ZA 022669-1219 # BOT 300 LJ 23# # RB-5229-1#
 1717 EXT 221 XW 022669-1219 # RL # POI 100 POG 20# STS
 510 CRD 164 CN 022669-1219 # VAS SHIP TO CN 98-9990 NEGC FOR DELY TO 900970-1# 100 GENL FOODS CORP VAL 3-4 LL# \$
 FS 73 # CXL SL# 50 AXR 4# GTC# 07-5164-1# 50# AC 442 022669-1219
 132 CN 244 AK 022669-1220 # BOT 20 DD 158# 1750-1# \$
 57 CGE 120 FL 022669-1220 # SMYTH RE BARTEP ANY IDEA KEN WIL SHIP RM# \$
 187 RL 224 XW 022669-1220 # BOT 100 AVI 27-# LK#
 1718 EXT 333 ZA 022669-1219 # EDP # BOT 300 LJ 23# # RB-5229-1#
 361 EDP 334 ZA 022669-1219 # BOT 100 AN 29 # DC-4702-1# \$
 1719 EXT 216 AN 022669-1219 # PL # BOT# 100 PN 24# M 1251-1# MEDS
 81 US 0 WMC HS 022669-1219 # RE UR BUY 100 MOULDINGS INC 30# MKT-38--9-# \$
 102 FT 214 AA 022669-1220 # SLD 100 INC 20 # 0403-1# \$
 34 ND 282 AK 022669-1219 # BOT 10 AC 34 # 4028-1# \$
 1720 EXT 334 ZA 022669-1219 # EDP # BOT 100 AN 29 # DC-4702-1# \$
 US 105 # BUY# 10# RUE 5# GTC# 5164-1# AC 443 022669-1219
 551 GTC 30 CX 022669-1219 # RE 48 BOT 340 M TSY BILLS 180 DAYS PRICE # 96,9581 IS PRICE OK ADV # \$
 OF 62 # SL# 300 PNR 1# # GTC# 2339-1# 370 # ASE 476 022669-1221#
 25 NYC 64 KM 022669-1219 # BUY 5 MAY MAINE PCIS MKT# 2791-9# 5 MKT# \$
 511 CRD 165 CN 022669-1219 # VAS SHIP TO CN 98-9990 NEGC FOR DELY TO 900902-1# 15 COCA COLA CO VAL 3-4 LL# \$
 362 EDP 335 ZA 022669-1219 # SOLD 100 PN 24# # KM-1414-2#

7 WRJ 940 CCAP 022869-1123 # WRJ REJECT# INCOMPLETE TRANSMISSION# HS 129 WRJ# HRL NOT SEC#
 ILLER/HU#
 200 SVR 0 SHD NS 022869-1056 # FRANKIE # JUST SENT TEST TO MYSELF AND RECD IT# BACK OK --IM OK NOW --# SENT A L
 ONG ONE IT GAVE NOISY RUNAWAY XMITTER EDS# #
 66 CN 124 WRF 022869-1059 # SLD 100 GBD 10# BUST ACC CN-0049-1 # ADD SEC ACCTNG# CN-0049-1 ASE#
 84 NC 82 AN 022869-1056 # BOT# 200 BAW 35% --E# M LRS
 585 EXT 86 AM 022869-1056 OF # BOT 100 EVR 22# #
 28 HO 116 WRJ 022869-1059 # WHITE HQ# RE BOT 200 WDC# FAYS ON 2/25# JFN TAB# \$
 105 STA 40 HS 022869-1058 # BGP HU# WE RECD REPORT NRR 42 TODAY # BOT 25 NRI 25 5669-1-1 AND# RECD REPORT NB
 R 98 THIS AM BOT 25 NRI 25 5669-1-T# YESTERDAY AT 12,47 OUR TIME WE SENT ORDER READING# BUY 25 NRI 25 GTC 5669-1-T
 WE THINK WE ARE DUE A REPORT# AS OF
 YESTERDAY AT 25- PLS EXPLAIN 2 REPORTS AND# ALSO WHY WAS NOT EXECUTED YDAY, # THX JO HS# #
 056 END OF RELIEVAL TO TERM PAD
 82 CGE 78 FL 022869-1057 # SHYTHE RE PARTER WY CANT U SEND PARTIAL OF THE# 5M ADV RM# \$
 RTRA37 OF 93 XW 022869-1058 # SLD 200 AC 21# --# 1266-1# AC \$
 586 EXT P2 AN 022869-1056 NC # BOT# 200 BAW 35% --E# M LRS
 SHD 85 AC IGN 022869-1056 # ED CLOSE# RE WH 65# CXL SL 100 ALA 24 STP LMT# 44 DS GTC# NO ORDERS
 058 END OF RETRIEVAL TO TERM TO
 22 DS 77 US 022869-1101 # OTC DS# Q GENERAL ENERGY HILDA US# \$
 38 PX 86 WRH 022869-1057 # ABE THEIL# DATARONICS INC 12%-13% \$
 10 WRH 1467 CCAP 022869-1314 # WRH REJECT# HEADER FORMAT ERROR# FX 221 WRH# HCM RE CHELSEA YES# HOAG
 RCH#
 202 SVR 813 CCAP 022869-1057 # PS REJECT# BAD ORDER SYMBOL# KAB THIS NUMBER# ASE 36 PS# BUY# 200 NGC W5 N MKT# 03
 00-2# 200#
 28 LO 0 WRG NS 022869-1057 # BAKKER# RE GULF STATES UTILITES 7--1999# 101,228 OFFDS
 53 CND 70 KY 022869-1056 # RACE# UNICAPE HEALTH SERVICES INC# HWE KY\$
 104 HB 198 WRA 022869-1059 # SLD 100 EAST COAST INS 11# # 6103-1 \$
 35 SHD 86 AC 022869-1056 # BOT 25 GFI 14# ED CLOSE# SHD 41# \$
 31 CBT 26 KA GRD 022869-1058 # POSS DUPE# SELL 5 HAR CORN 114# GT 11:00 OUR TIME# 7055-9# 5# \$
 PL 49 # SL# 100 GPU 29# # CXL 19# # 3617-1 # 100 # # XW 179 022869-1057#
 257 CRD 42 OH 022869-1057 # JO# WHAT HAS HAPPENED ON 85-1872-1 BOT 100 INTL# TAPE CART 15# AS OF 2-19 IT WAS BOT
 IN WRG ACCT# ACCT SHUD READ 85-1923-1 HANK ADAMS INC# HV WIRED U TWICE ON THIS AND HV HEARD NOTHING# NO NEW DAILY SH
 ETS SHOWING COTTON EITHER# PLS ADV
 NX# EZ OH# #
 85 CD 69 BK 022869-1058 # BOT 3 FD 34# CO 99#
 587 EXT 87 AM 022869-1056 RL # BOT 100 WR 46# OPEN# -LT# OPC0\$
 68 RL 85 XW 022869-1058 # BOT 100 NMK 21# # ESTA \$
 588 EXT 86 AC 022869-1056 SHD # BOT 25 GFI 14# ED CLOSE# SHD 41# \$
 RTRA HU 117 # CXL BUY# 500 JET 7# DAY# 299P-2# CXL 500# AC 208 022869-1057#
 36 SHD 59 LA 022869-1103 # ALG # RE 58 UNION OIL BOT YDA FOR 0326 PLS # ADJUST TO 43 SHS WUD APPREC CFM OF ADJUST
 MTH TNX # 735# LCY# 43 SHS# #
 589 EXT 87 AC 022869-1057 CN # BOT 25 ECO 20# ON 20# 9006-1# \$
 63 CN 87 AC 022869-1057 # BOT 25 ECO 20# ON 20# 9006-1# \$
 29 LD 145 WRC 022869-1057 # ELLY RE 9806- YDA BOT 100 GOODRICH IN TYPE 2 IS THIS CQT# PLS ADV# SEMP CRD#
 19 JB 85 WRH 022869-1057 # BENNETT# RE 3 AND 6 MO CALL# GYK GYK 200 300# X 275 450# GAF 275 425# ALL
 WDC# #
 17 QA 84 WRH 022869-1057 # NATL VIDEO 3%-4# \$
 29 GC 84 XW IGN 022869-1058 # REUR 45 AL 27 -- 200 STPD # LAST SALE -- CEF \$
 203 SVR 814 CCAP 022869-1057 # KY REJECT# ORDER TOO SHORT# KAB THIS NUMBER# ASE 71 KY# BUY# 200 INF 19 8042-1 200

A 430

OPINION AND ORDER OF JUDGE MAC MAHON FILED
NOVEMBER 28, 1973

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
HAROLD FISHER,

Plaintiff,

-against-

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.
-----x

69 Civ. 3312-WK

OPINION

APPEARANCES:

Livingston, Livingston & Harris
and Kaplan, Kilsheimer & Foley
New York City, for plaintiff;
I. Alan Harris and Dermot G.
Foley, New York City, of
counsel.

Gifford, Woody, Carter & Hays,
New York City, for defendant;
Charles L. Trowbridge, New
York City, of counsel.

MacMAHON, District Judge.

Plaintiff, Harold Fisher, moves to confirm and
modify the report of Special Master John J. Galgay,
appointed by the court pursuant to Rule 53(a), Fed.R.
Civ.P., to supervise discovery proceedings in this

FILED
U.S. DISTRICT COURT
NOV 28 4 09 PM '73
S.D. OF N.Y.

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action brought under § 10(b) of the Securities Act of 1934. The modification sought by plaintiff would impose sanctions of \$15,000 on defendant, strike defendant's answer and grant judgment to plaintiff. Defendant cross-moves, seeking vacation of the Special Master's report, a protective order terminating discovery and personal assessment of costs on plaintiff's attorney, I. Alan Harris. We confirm the Special Master's report in full.

The Special Master was appointed, upon consent of the parties, on February 18, 1972 due to the parties' inability to conduct discovery proceedings by themselves, as contemplated by the Federal Rules of Civil Procedure, without constant disagreement, interruption, delay and consequent court intervention. The court granted the Special Master broad powers under Rule 53(c), Fed.R. Civ.P.,³ subject to review by this court upon application of any party, to supervise discovery, including power to rule on all motions relating to discovery; rule on objections at depositions or interrogatories; direct parties or witnesses to answer unobjectionable questions; order the production of documents and records; and "take all measures necessary or proper for the efficient performance of his duties."⁴

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The court is aware of the teaching of Rule 53(b)⁵ and LaBuy v. Howes Leather Co., 352 U.S. 249 (1957), which require a showing of exceptional circumstances before a Special Master may be appointed. Here, however, the parties consented to such an appointment and exceptional circumstances were present as well.

The conduct of the parties prior to the Special Master's appointment demonstrated that they were unable to proceed with discovery without impartial supervision. In earlier discovery proceedings, Magistrate Jacobs had found it necessary to recommend imposing a sanction of \$250 on defendant for its failure to make proper answers to interrogatories.⁶ Judge Frankel agreed and imposed the sanction.

The depositions predating the Master's supervision are filled with irksome quibbling, needless interruptions, frivolous objections and baseless directions not to answer by counsel for both parties. Extensive colloquies and arguments among counsel caused substantial delays in the testimony. The spirit of cooperation mandated by the federal rules was sorely lacking. Discovery, thus frustrated, the parties once again found it necessary to apply to the court for

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relief, and following argument and consultation with counsel, all agreed that the best course would be for the court to appoint a Special Master with full power to preside over all further discovery proceedings.

Numerous cases approve the appointment of a Special Master to supervise discovery proceedings where the issues are complicated or the parties recalcitrant. First Iowa Hydro Elec. Coop. v. Iowa-Illinois Gas & Elec. Co., 245 F.2d 618 (8th Cir.), cert. denied, 355 U.S. 871 (1957), cited in Bourgeois v. El Paso Natural Gas Co., 257 F.2d 807 (2d Cir. 1958); Shapiro v. Freeman, 38 F.R.D. 308 (S.D.N.Y. 1965); Hirsch v. Glidden Co., 79 F. Supp. 729 (S.D.N.Y. 1948); United Artists v. Grinieff, 17 Fed. Rules Serv. 30b. 42, Case 1 (S.D. N.Y., July 3, 1952); cf. Olson Transp. Co. v. Socony-Vacuum Oil Co., 7 F.R.D. 134 (E.D. Wis. 1944); Stentor Elec. Mfg. Co. v. Klaxon Co., 28 F. Supp. 665 (D. Del. 1939).

Throughout the Special Master's tenure, plaintiff asserted that defendant had failed to comply fully with an order for production of documents which had earlier been granted by Judge Gurfein. This failure,

plaintiff claimed, was part of a deliberate plan to frustrate ~~the~~ discovery. Defendant's production of documents under Judge Gurfein's order was strung out piecemeal during the depositions supervised by the Special Master. This compelled the Special Master to question defense counsel as to the thoroughness of the document search which had purportedly been conducted by defendant in response to the command of the court. Defense counsel excused his failure to produce all of the documents at one time by shifting the blame to an unskilled search staff and asserting that the records had been searched three times.

On March 28, 1972, defendant discovered the Computerized Wire Service Unit ("CWS Unit"), a print-out of all telex messages passing between Harris-Upham's headquarters and its seventy-two branch offices. When the existence of the CWS Unit was disclosed to the Special Master, he ordered it searched for twenty dates to be supplied by plaintiff. After plaintiff refused to supply the dates, the Special Master, on February 23, 1973, selected fifty-seven dates and ordered defendant to search the CWS Unit for messages relating to Bartep stock. One hundred and thirty telex messages were produced as a result of the search, only twenty-three of

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which the Special Master found had previously been produced.

Special Master Galgay concluded:

"I am convinced that the defendant violated the letter as well as the spirit of the Federal Rules of Civil Procedure governing discovery. Magistrate Jacobs and Judge Frankel thought similarly when the sanction of \$250 was imposed against the defendant. The manner of piecemeal production made by defendant's counsel during the course of depositions and hearings persuaded me that their original search was not as diligent as that required by the Rules. The defendant's discovery of the Computerized Wire Service Unit on March 28, 1972, over four years after the filing of the complaint and approximately two years after the filing of the rule 34 motion cast real doubt on the adequacy of its search."⁹

The court is bound to "accept the master's findings of fact unless clearly erroneous." Rule 53(e)(2), Fed.R.Civ.P.; Anderson v. Mt. Clemens Pottery Co., 328 U.S. 680 (1946); National Labor Relations Bd. v. Remington Rand, Inc., 130 F.2d 919 (2d Cir. 1942); Helene Curtis Industries v. Sales Affiliates, 121 F. Supp. 490 (S.D.N.Y. 1954), aff'd, 233 F.2d 148 (2d Cir.),

cert. denied, 352 U.S. 871 (1956).

Defendant apparently bases its objections to the Special Master's findings on its analysis of the documents produced pursuant to the Special Master's order of February 23, 1973. Defendant contends that seventy-five of the documents produced were marked for identification during depositions of the defendant and that of the remaining documents thirty do not concern the issues in this case and twenty-nine "are the subject of extensive testimony in the voluminous depositions already taken."¹⁰ Defendant seems to concede that the latter twenty-nine messages are covered by the Rule 34 order and are material to the issues in this litigation but claims that "there is no new information in the 29 messages."¹¹ Defendant misses the point. Even if we accept defendant's characterization of the documents, the fact remains that the CWS Unit contains some documents included within the scope of the Rule 34 order which defendant has failed to produce for nearly two years. Whether the information contained in those documents is "new" or not, defendant was and is obligated to produce them.

*Opinion and Order of Judge MacMahon Filed
November 28, 1973*

Defendant also fails to demonstrate any error in the Special Master's finding that its original document search was not as diligent as Rule 34 requires. Nor can defendant provide any explanation for its extended failure to discover the existence of the CWS Unit. The court's review of the depositions in this case reveals repeated certifications by defendant that production of documents under the Rule 34 order was complete, inevitably followed by further piecemeal production of documents.¹² We can only conclude that defendant, intentionally or unintentionally, failed to conduct the thorough search required by Rule 34. The court agrees with the Special Master that defendant has violated the requirements of the Federal Rules by its continuing failure to produce all the documents covered by Judge Gurfein's order to produce and therefore adopts his findings.

We now turn to a consideration of the Special Master's recommendations.

The Special Master recommended that sanctions of \$5,000 be imposed against the defendant, that defendant be ordered to search the CWS Unit for the entire

period of the Rule 34 order, and that the losing party in the litigation be assessed the cost and counsel fees incurred in the taking of depositions of defendant's officials in Miami, Florida. The Special Master thought, however, that striking defendant's answer would be too drastic a remedy to impose for its derelictions. The court adopts the Special Master's recommendations.

We turn first to the sanctions recommended against defendant due to its derelictions. Plaintiff urges the court to strike defendant's answer and grant judgment to plaintiff. We agree with the Special Master that this is too severe a penalty to exact at this time. However, the court does feel that substantial sanctions are appropriate here, since defendant has clearly violated the Rule 34 order, frustrated discovery and failed to exercise the good faith and cooperation demanded by the discovery provisions of the Federal Rules. Litigants must learn that discovery is no longer to be considered a tactical game replete with deceit, obstruction and bad faith. "Thus civil trials in the federal courts no longer need be carried on in the dark. The way is now clear, consistent with recognized principles, for the parties to obtain the fullest

possible knowledge of the issues and facts before trial." Hickman v. Taylor, 329 U.S. 495, 501 (1947). Defendant's obstructive conduct has been inexcusable and will not be tolerated.

Defendant attacks the Special Master's partial reliance on the sanctions imposed on defendant by Judge Frankel, claiming that these prior sanctions occurred before his tenure and are irrelevant to the issue now before the court. We disagree.

Defendant's prior obstructive behavior is patently relevant to the nature and degree of sanctions now to be imposed as evidence of a continuing history of recalcitrance. Even without considering the prior sanctions, however, we believe a sanction of \$5,000 is appropriate. Failures to comply with discovery orders are genuine threats to the sound, fair and efficient administration of justice. Such failures should and will be dealt with severely.

In accepting the monetary amount of the sanctions recommended by the Special Master, the court rejects plaintiff's motion that the amount be increased to \$15,000. We note in passing that plaintiff's failure

to cooperate with the Special Master and comply with his direction to supply the relevant dates for defendant's search of the CWS Unit is also inexcusable.

It appears, however, that there are still documents within the CWS Unit which have not been produced in compliance with Judge Gurfein's order. We therefore direct defendant to conduct a thorough search of this source for all dates covered by Judge Gurfein's order, i.e., from October 1, 1968 to and including August 31, 1969.

Defendant is also directed to certify in writing that all documents included within Judge Gurfein's order have been produced except for those still in the CWS Unit.

Defendant's motion for a protective order declaring discovery completed is denied, as is its motion to assess plaintiff's attorney, I. Alan Harris, costs of \$20,000. Any excess costs incurred by defendant are due to its obstructive conduct in failing to comply with Judge Gurfein's order.

The losing party in this litigation will be assessed the costs and counsel fees necessitated by the

*Opinion and Order of Judge MacMahon Filed
November 28, 1973*

taking of depositions in Miami, Florida.

Finally, the court approves compensation in the sum of \$3,412.50 for the Special Master. Plaintiff's refusal to stipulate to that amount is incomprehensible. The Special Master's detailed description of his services¹³ demonstrates not only the time and effort expended by him but also the high quality of his service to the court. We commend his patience and judgment in handling this assignment and that unpleasant task. We approve the modest compensation requested and direct that it be paid by the parties in equal amounts within twenty (20) days from the entry of this order.

Plaintiff's motion to confirm the Special Master's report is granted in part but denied insofar as it seeks to modify that report or seeks additional relief. Defendant's motion to vacate and strike the report, for a protective order and for an order assessing costs is denied. Compensation in the amount of \$3,412.50 for the Special Master is approved.

Since the appointment of the Special Master, this case has been assigned to Judge Knapp for all purposes under the Individual Assignment System. As noted

A 442

Opinion and Order of Judge MacMahon Filed
November 28, 1973

earlier, Special Master Galgay is no longer able to serve in that capacity due to his appointment as a referee in bankruptcy of this court. Accordingly, his appointment as Special Master is terminated nunc pro tunc as of the date of his report (June 25, 1973), and future discovery, as well as all other proceedings in this action, will be conducted in whatever manner Judge Knapp directs.

So ordered.

Dated: New York, N. Y.

November 28, 1973



LLOYD F. MACMAHON
United States District Judge

Fisher v. Harris, Hpham & Company

69 civ. 3212-WK

FOOTNOTES

1

Since filing his report, Mr. Galgay has been duly appointed a Referee in bankruptcy for this district and has assumed that office.

2

Rule 53(a) provides:

"(a) Appointment and Compensation. Each district court with the concurrence of a majority of all the judges thereof may appoint one or more standing masters for its district, and the court in which any action is pending may appoint a special master therein. As used in these rules, the word 'master' includes a referee, an auditor, an examiner, a commissioner, and an assessor. The compensation to be allowed to a master shall be fixed by the court, and shall be charged upon such of the parties or paid out of any fund or subject matter of the action, which is in the custody and control of the court as the court may direct. The master shall not retain his report as security for his compensation; but when the party ordered to pay the compensation allowed by the court does not pay it after notice and within the time prescribed by the court, the master is entitled to a writ of execution against the delinquent party."

3

Rule 53(c) provides:

"(c) Powers. The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence

*Opinion and Order of Judge MacMahon Filed
November 28, 1973*

only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto. He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests, the master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43(c) for a court sitting without a jury."

4

See attached Appendix.

5

Rule 53(b) provides:

"(b) Reference. A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account and of difficult computation of damages, a reference shall be made only upon a showing that some exceptional condition requires it."

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6

Magistrate Jacobs found defendant's answers were made in an "over-technical and disingenuous manner . . . and inexcusable . . . and precludes finding that the defendant's opposition was substantially justified."

7

The treatises and articles are in accord: See 5A J. Moore, Federal Practice ¶ 53.12[1] at 2999-3000 (2d ed. 1971); 9 C.A. Wright and A.R. Miller, Federal Practice and Procedure § 2605, n.55 at 790 (1971); Seminar on Protracted Cases, X. The Use of Masters, 23 F.R.D. 319, 563 (1958); Kaufman, Use of Masters to Preside at the Taking of Depositions, 22 F.R.D. 465 (1958).

8

Plaintiff filed a motion to produce documents on September 9, 1971, which was consented to and so ordered by the Honorable Murray I. Gurfein, District Judge for the Southern District of New York.

9

Special Master's Final Report and Recommendations at 6.

10

Affidavit of Charles Trowbridge at 6.

11

Affidavit of Michael J. McAllister at 3.

12

E.g. McCarthy deposition at 85-86; Smythe deposition at 7-8, 12; Long deposition at 4-5; Otten deposition at 137.

13

Exhibit B to Special Master's Final Report and Recommendations.

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DEFENDANT'S NOTICE OF MOTION FOR REARGUMENT DATED
DECEMBER 10, 1973

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

HAROLD FISHER,	:	69 Civ. 3312
Plaintiff,	:	NOTICE OF MOTION FOR
-against-	:	REARGUMENT OR FOR A
	:	WRITTEN STATEMENT
	:	PURSUANT TO TITLE
HARRIS, UPHAM & CO. INCORPORATED,	:	28, SECTION 1292(b)
Defendant,	:	OF THE UNITED STATES
	:	<u>CODE</u>

-----x

S I R S :

PLEASE TAKE NOTICE that upon the annexed memorandum and the papers and proceedings heretofore had herein, the undersigned will move this court before the Honorable Lloyd F. MacMahon, United States District Judge of the Southern District of New York, at his chambers, Foley Square, New York, New York, on the 23rd day of December 1973, at 2:15 o'clock p.m., or as soon thereafter as counsel can be heard,

(1) for an order pursuant to Rule 9(m) of the
General Rules of this court granting reargument of the

*Defendant's Notice of Motion for Reargument Dated
December 10, 1973*

motions of defendant decided by the order and decision of this court filed November 28, 1973 (No. 40061) upon the grounds set forth in the accompanying memorandum; and

(2) alternatively, for an amendment of said decision and order so as to include therein a written statement pursuant to Section 1292(b) of Title 28, United States Code, setting forth the court's opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion, and that an immediate appeal from the order may materially advance the ultimate determination of this litigation.

/Defendant, in requesting this relief, expressly reserves its right to contend that the aforesaid decision and order is properly appealable under Title 28, Section 1292(a) even in the absence of such a statement as the granting of a mandatory injunction and is also appealable as of right under said Section 1291 of that Title as a

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Defendant's Notice of Motion for Reargument Dated
December 10, 1973

collateral order pursuant to the rule of Cohen v. Beneficial
Industrial Loan Corp., 337 U.S. 541 (1949).7

Dated: New York, New York
December 10, 1973

Yours, etc.,

GIFFORD, WOODY, CARTER & HAYS

By Charles F. Treadwell
(A Member of the Firm)

Attorneys for Defendant
One Wall Street
New York, New York 10005
(212) 344-0470

TO: LIVINGSTON, LIVINGSTON & HARRIS, ESQS.
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017

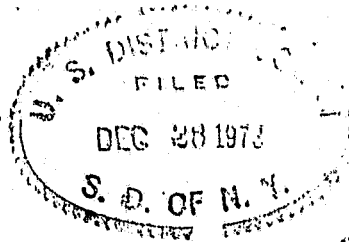
KAPLAN, KILSHEIMER & FOLEY, ESQS.
Of Counsel to Attorneys for Plaintiff
122 East 42nd Street
New York, New York 10017

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ENDORSEMENT OF JUDGE MAC MAHON DATED DECEMBER 26, 1973

Harold Fisher v. Harris, Upham & Co.

ENDORSEMENT
69-Civ. 3312-WK




The within motion for reargument is granted, and, upon reargument, the court adheres to its opinion and order dated November 28, 1973.

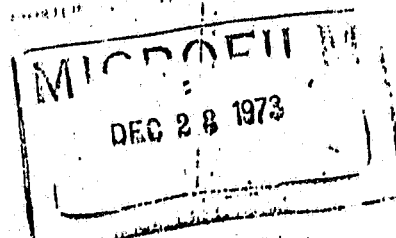
The alternative motion for amendment of the opinion and order to include certification of a controlling question of law, pursuant to 28 U.S.C. § 1292(b), is in all respects denied.

Patently, there is nothing in the court's opinion and order which involves a controlling question of law. Nor would an appeal from that opinion and order in any way materially advance the ultimate determination of this litigation. Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 546 (1949), upon which defendants rely, has no applicability whatever to this opinion and order essentially imposing sanctions for failure to obey orders relating to discovery. Cf. International Business Machines Corp. v. United States, 480 F.2d 293 (2d Cir. 1973).

So ordered.

Dated: New York, N. Y.
December 26, 1973


LLOYD F. MacMAHON
United States District Judge



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NOTICE OF APPEAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

HAROLD FISHER,

:

Plaintiff,

:

69 Civ. 3312-WK

-against-

:

NOTICE OF APPEAL

HARRIS, UPHAM & CO., INCORPORATED,

:

Defendant.

:

- - - - - x

NOTICE is hereby given that HARRIS, UPHAM & CO.,
INCORPORATED, defendant above named, hereby appeals to the
United States Court of Appeals for the Second Circuit from
the order directing that defendant pay sanctions of \$5,000
and perform a compilation and search of its computerized
wire service, entered in this action on the 28th day of
November, 1973.

Dated: New York, New York
December 26, 1973

GIFFORD, WOODY, CARTER & HAYS

By Charles F. Trowell

A Member of the Firm
Attorneys for Defendant
Harris, Upham & Co.,
Incorporated

Office & Post Office Address
One Wall Street
New York, N. Y. 10005
Telephone (212) 344-0470

EXCERPTS FROM DEPOSITION OF HAROLD FISHER

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----x
HAROLD FISHER,

Plaintiff,

- against -

HARRIS, UPHAM & CO., INCORPORATED,

Defendant.
-----x

Deposition of the Plaintiff, HAROLD
FISHER, taken by the Defendant pursuant to
Notice dated August 7, 1969, at the offices of
Gifford, Woody, Carter & Hays, Esqs., 1 Wall
Street, New York, New York, on Wednesday, October
15, 1969 at 10:30 o'clock in the forenoon, before
Harold Melman, a Certified Shorthand Reporter and
Notary Public within and for the State of New York.

A P P E A R A N C E S :

LIVINGSTON, LIVINGSTON & HARRIS, ESQS.,
Attorneys for Plaintiff
292 Madison Avenue
New York, New York 10017

By: I. ALAN HARRIS, ESQ.,
of Counsel

GIFFORD, WOODY, CARTER & HAYS, ESQS.,
Attorneys for Defendant
1 Wall Street
New York, New York 10005

By: CHARLES L. TROWBRIDGE, ESQ.,
of Counsel

* * * *

IT IS HEREBY STIPULATED AND AGREED,
by and between the attorneys for the respective
parties hereto, that the filing, sealing and
certification of the within examination be,
and the same hereby are, waived; and that
the transcript of the within examination may
be signed and sworn to before any Notary
Public with the same force and effect as if
sworn to before an officer of this Court.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, are reserved to the time
of the trial.

* * * *

1
2 H A R O L D F I S H E R, residing
3 at 41 Galt Ocean Mile, Fort Lauderdale, Florida,
4 having been first duly sworn by the Notary
5 Public, was examined and testified as follows:

6 EXAMINATION BY MR. TROWBRIDGE:

7 Q Would you state your name?

8 A Harold C. Fisher.

9 Q What is your address?

10 A 41 Galt Ocean Mile, Fort Lauderdale, Florida.

11 Q What is your present employment, Mr.

12 Fisher?

13 A I am not employed.

14 Q Are you retired?

15 A Yes.

16 Q Where had you been employed prior to your
17 retirement?

18 A I was associated with a company, the main
19 office was Monticello, New York.

20 Q What was the name of the company?

21 A General and Natural Gas Corporation.

22 Q For how long have you been a resident of
23 Florida?

24 A Off and on for about thirty years. On a permanent
25 basis this last time would be thirteen years.

Fisher

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Q When did you first have any dealings with the defendant in this case, Harris, Upham & Co., Incorporated?

A The first time I did business with them was about four years ago.

Q With what branch office did you first have any dealings?

A Well --

Q That is the branch office of the defendant.

A That is located on Kane Concourse and that is called, it is part of Miami Beach, but it does have its own little name. It is an island. It is Miami Beach.

Q Did you open an account at that branch office there?

A Another friend, or a friend took me down there and introduced me to a -- actually it was a woman that was working there, you know, as a salesman.

Q A registered representative?

A Yes.

Q Who was the friend that introduced you?

A Who?

Q What was the name of the friend?

A Joe Leder...

Excerpts from Deposition of Harold Fisher

Fisher

5

1
2 Q Can you spell it?

3 A L-e-d-e-r.

4 When I say friend, I mean new friend. You meet
5 people in Florida.

6 Q I take it Mr. Leder was a customer of
7 Harris, Upham?

8 A I don't think so but he seemed to know this woman.
9 He knew her. He introduced me to her.

10 Q Did you open an account through this
11 woman at that branch office?

12 A Yes.

13 Q Was that a margin account or a cash
14 account?

15 A A cash account.

16 Q Do you remember her name?

17 A She was not there that long. She was a doctor's
18 wife. Well, I don't remember. It could come to me.

19 Q Prior to your introduction to her through
20 Mr. Leder, had you had any information from any source
21 about Harris, Upham & Co., Incorporated?

22 A No.

23 Q Do you remember -- you mentioned that this
24 woman ceased to be an employee of that branch office, I
25 take it, after a period of time?

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Fisher

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A I guess that is what you call it. A customer's
3 man.

4

Q I guess she was a registered representative
5 and that does not involve gender.

6

A Yes.

7

Q Do you remember approximately when she
8 ceased to service your account?

9

A Maybe, six months, eight months. Nine months.

10

Well, it would have to be six months, maybe nine months.

11

Q Was there someone else at the Miami
12 Beach office?

13

A Yes, she worked together with a customer's man
14 who I actually did most of my trading with from that
15 time on. They seemed to be partners or something like
16 that.

17

Q What was his name?

18

A Ben Cowan.

19

Q How do you spell his name?

20

A C-o-w-a-n. They sat together and used the same
21 typewriter, you know, the machine.

22

Q Did you frequently call at the office of
23 Harris, Upham during the period that you had an account
24 there?

25

A Yes, every so often.

Excerpts from Deposition of Harold Fisher

Fisher

7

Q That is in person, you would drop in?

A No. The telephone.

Q You would phone?

A Yes. Very rarely did I go in.

Q Can you tell us when you first acquired any knowledge concerning the company called Bartep Industries, Inc.?

A When I first heard about Bartep?

Q Yes, from any source.

A About the summer of 1968.

Q Can you remember?

A August, September.

Q How did you first come to hear about Bartep?

A By way of the president of the company, Myron. Mike Boraks.

Q Did this knowledge come through a conversation you had with Mr. Boraks?

A Not too much of a conversation other than the fact that we were friends.

Q When had you first met him?

A At least four years before I bought Bartep stock. He belonged to the same country club.

Q When did, if you remember, first have any dealings with Mr. Boraks, and by dealings, I mean

Fisher

8

1
2 conversations, discussions, concerning Bartep?

3 MR. HARRIS: Do you understand the
4 question?

5 THE WITNESS: Do you want a date?

6 MR. HARRIS: Read back the question.

7 (The pending question was read back
8 by the reporter.)

9 A The first time I heard about Bartep would be in
10 the summer, August, September. That is when I heard
11 about Bartep. I heard that Mike had gone public or
12 that his company had gone public.

13 Q Do I understand that to mean Bartep?

14 A Yes. Was there a conversation that Bartep
15 went public -- was in the drug business. He was in some
16 other drug business. It would be the summer, the summer
17 of 1968, is when I learned that Mike went public.

18 Q * You learned this from someone else,
19 someone other than Mike?

20 MR. HARRIS: I object to the form of
21 the question. The witness clearly testified
22 that he was referring to a conversation with
23 Mr. Boraks and he heard that Mr. Boraks went
24 public. You are mischaracterizing the witness'
25 prior testimony.

Fisher

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2 Q Who did you hear this from, Mike or
3 somebody else?

4 A Either Mike or his wife. We were having dinner.

5 Q At that dinner conversation, did Mr.
6 Boraks say anything about the Bartep Industries, Inc.
7 stock as an investment?

8 A No.

9 Q Did he describe to you to any extent
10 the business of Bartep Industries, Inc.?

11 A No, not at that time.

12 Q Did you ask him any questions about the
13 possibilities of investing in Bartep Industries, Inc.
14 upon learning that it had gone public or was going public?

15 A No.

16 Q As of the time of that discussion, did
17 you personally know any of the other officers or
18 directors of Bartep?

19 A No. In my mind it was only his wife -- her
20 nickname was Teppy and that is where the tep comes in and
21 he had a drug company called Bariatrics.

22 Q When next did you have any discussions
23 with anybody concerning Bartep Industries, Inc.?

24 A The next time would also be again another time
25 we got together for socially, and that would be around

Fisher

10

1
2 the second week in October. Let me see, September, July,
3 August -- the second week in October.

4 Q In 1968?

5 A Yes.

6 Q Where did this take place?

7 A In Fort Lauderdale. In a restaurant and that
8 was about a couple of weeks before I bought stock.

9 Q Who was present at that time?

10 A My wife, Teppy and Mike.

11 Q On that occasion, did you and Mr. Boraks
12 have any conversations regarding Bartep Industries as
13 a prospective investment?

14 A No.

15 Q Did you have any conversations with
16 respect to the business of Bartep?

17 A Not too much other than the fact they had come
18 back from Europe and actually that is what created the
19 dinner because my wife and his wife would phone each
20 other on occasion. They would come back. She was
21 all excited because she had just received a diamond ring
22 and a glass of champagne on the airplane and it was
23 womens' conversation. With that she also mentioned the
24 fact that "Fisher, we are going to be as rich as you
25 because we got exclusive jurisdiction of KH 3, which is

Fisher

11

1 a rejuvenation pill."

2 Q By we, they were referring to Bartep?

3 A Yes. You ask me and I assume Bartep has the
4 exclusive distribution. They had come back from Europe
5 for that purpose, to make that type of arrangement. They
6 were going to open up clinics throughout the Bahamas and
7 I knew what KH 3 was.

8 Q Was this a product that was manufactured
9 by Bartep?

10 A No. This comes from Europe. This comes from
11 either Switzerland or Germany.

12 Q This is a product at which Bartep planned
13 to become some form of licensed distributor?

14 A He said they had the exclusive -- and by they,
15 I mean he and Teppy or the corporation, Bartep -- to
16 distribute this and they were going to open these clinics
17 in the Bahamas.

18 Q Did you have any further discussions as to
19 the business of Bartep on that occasion?

20 A No.

21 Q As of that time, had you had any discussions
22 with any employee or agent of Harris, Upham & Co.,
23 Incorporated, regarding Bartep?

24 A At that time?

25

Excerpts from Deposition of Harold Fisher

Fisher

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Q Yes.

3

A No. Not until I bought it.

4

Q In other words, the first contact you had with Harris, Upham concerning Bartep was at the time you decided to buy these shares?

7

A Yes.

8

Q When was that, if you remember?

9

A I would say at least a couple of weeks.

10

Q At lease a couple of weeks --

11

A Later, I bought it.

12

Q After you learned about this KH 3 business?

13

A After they came back and I had heard about that phase of it, a couple of weeks, and I had been thinking about it. In my mind this had to be a successful operation. If you know what KH 3 is or if you read about it.

17

18

Q During that two week approximate period, between when you learned about the KH 3 development and when you communicated with Harris, Upham, to buy this stock, did you have any other meetings or conversations with Mr. Boraks?

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A I called to get an idea what the price was. This could have been a day or two days before, but Mike Boraks was rarely home. He was traveling a lot.

Fisher

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1
2 Q You called his home?

3 A Yes. I might have called his office. He had
4 an office around Coral Gables and Coconut Grove. I wanted
5 to get an idea of the price and so forth but he was not
6 in. I asked Tep. I said, "Do you know what Bartep is
7 selling for?".

8 She said she doesn't know. I said, "Where is
9 Mike?". She said, "He is out of town." I said, "When
10 do you expect him, are you going to hear from him?".
11 She said, "He calls me all the time." I said, "See if
12 you can find out what the price of Bartep is and ask
13 Mike."

14 That was a call to his house. I spoke to his wife.

15 Q Is that the only conversation you had
16 between you?

17 A Yes.

18 Q When you learned about KH 3 and bought the
19 stuff?

20 A KH 3 I learned about two weeks previous.

21 Q I am talking about the period when you
22 communicated with Harris, Upham?

23 A When I decided to buy Bartep stock because I had
24 been thinking about it on my own.

25 Q To whom at Harris, Upham did you communicate

Fisher

14

1 concerning this decision to buy Bartep?

2 A Ben Cowan, who was my customer's man. All my
3 negotiations were with Ben Cowan.
4

5 Q Was this first communication on Bartep
6 a telephone call?

7 A To Ben Cowan?

8 Q Yes.

9 A Yes.

10 Q To the best of your recollection?

11 A I live in Lauderdale and I don't know if you are
12 familiar with Florida. I live in Lauderdale and this is
13 down in Miami Beach. It would be phone.

14 Q So you called Mr. Cowan on the telephone?

15 A Yes.

16 Q What did you say to him and what did
17 he say to you, as best you can remember?

18 A I asked Ben to get me 5,000 shares -- first I
19 believe I said to him, "What is Bartep selling for?".
20 He said, "Bartep, I never heard of it." I said, "Well,
21 find out what it is selling for." He said, "I will have
22 to call you back." I am sure --

23 MR. HARRIS: The question was, what
24 did you say to him and what did he say to you.

25 MR. TROWBRIDGE: He is trying to explain.

Fisher

15

MR. HARRIS: No explanation. To the best of your recollection, what did he say to you and what did you say to him.

A I asked for a price.

Q You asked for a price on the over-the-counter stock?

A What Bartep was selling for.

Q Did you mention that you were interested in 5,000 shares, did you mention that number to him?

MR. HARRIS: On that first conversation to Ben Cowan, so that the record will be straight.

A That, I don't remember. For my first inquiry, I asked him what the price was.

Q He told you that he would call you back?

A Yes, he would have to call me back.

Q Did he?

A Yes.

Q And was that the same day?

A Yes.

Q Was that a return call during trading hours, if you remember?

A Yes.

Q What did he say to you?

A That the price was in the area of 5/6 and what do I

Fisher

16

1 know about it and is it something that he could get into
2 too, and who told me about Bartep. Do I think he ought
3 to buy some also. We were friends.
4

5 Q What did you say to that?

6 A I said that I knew the president. I knew that
7 they were exclusive distributor for a rejuvenating pill
8 called KH 3, that they were going to open these clinics
9 and that I think it is something that should be successful.

10 Q Did you have any further conversations
11 on that occasion?

12 A Not as far as KH 3 or it is possible he might
13 have asked me what is KH 3. I don't recall.

14 Q If you remember.

15 A Well --

16 Q Did you request an order to buy?

17 A I told him I want 5,000 shares.

18 Q Did you put any price stipulation on that
19 or you just said at the market or what?

20 A I believe he said, "How far should I go?".

21 I said, "Keep me informed what you are doing."

22 The first time he called back was the first day,
23 he couldn't get me 5,000 shares. He got me, I think, 500.
24 There was a lot of delay and by that time the market was
25 over and it had to go on to the next day and during that

Fisher

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2 day he called me and said, "I picked up 200, I picked
3 up 800", and he accumulated the balance, I believe, 500
4 the first day and the balance of 4,500 the second day, but
5 the price was going up and it dropped down a little bit and
6 went up again. It averaged out to somewhere in the area
7 of \$6 and something.

8 Q You had telephone conversations with
9 Mr. Cowan during the two-day period?

10 A The next day all day long.

11 Q At the conclusion of which you were advised
12 that you had purchased 5,000 shares at varying prices?

13 A That's right.

14 Q During those two days, did you have any
15 conversations with Mr. Cowan regarding the question of
16 delivery to you of certificates representing the ownership
17 of those shares?

18 A During the first two days?

19 Q Yes.

20 A No.

21 Q Had you had any conversations prior to
22 the purchases you made of Bartep shares with Mr. Boraks
23 regarding the matter of your purchasing some shares of
24 Bartep?

25 A No.

Fisher

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2 Q Had you had any conversations with
3 Mr. Cowan prior to the days upon which you purchased the
4 shares in Bartep regarding the matter of delivery to you
5 of shares of certificates representing ownership of the
6 shares you might purchase through Harris, Upham?

7 MR. HARRIS: Don't answer the question.

8 I am not quite sure I understand the question.

9 A I didn't understand the question.

10 MR. TROWBRIDGE: Read back the question.

11 (The pending question was read back by
12 the reporter.)

13 MR. TROWBRIDGE: Withdraw the question.

14 Q Prior to purchasing the Bartep shares,
15 had you had any conversations at any time with Mr. Cowan
16 concerning whether or not certificates representing
17 ownership of stocks you might purchase through Harris,
18 Upham should be delivered to you or held in street name
19 or dealt with in some other way?

20 A Prior to buying Bartep stock?

21 Q Yes.

22 A With reference to any other stocks that I had
23 been buying?

24 Q Yes, sir.

25 A No.

Fisher

19

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2 Q Subsequent to your purchase of the
3 5,000 shares of Bartep Industries, Inc., did you have any
4 conversations with a Mr. Cowan regarding the matter
5 of delivery to you of certificates representing ownership
6 of those shares?

7 A After buying Bartep?

8 Q Yes, at any time.

9 A Yes.

10 Q When was the first of any such conversations?

11 A Two, three weeks later.

12 Q Was that over the telephone again?

13 A Yes.

14 Q What did he say to you and what did you
15 say to him?

16 A What he said to me -- he was surprised because
17 of the fact that I had never made that type of request
18 before.

19 Q What kind of a request did you make?

20 A I never made a request. About two, three weeks
21 later, I said to him, "Ben, I want you to get the stock
22 for me as soon as possible."

23 He, of course, said, "How come, why?".

24 I said, "Because I want it."

25 Q What did he say then?

Fisher

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2 A He said, "All right, I will order it for you. It
3 takes a little while and I will get it for you." He said,
4 "It is your stock, you paid for it so I will get it for
5 you."

6 Q Did you have any reason for wanting the
7 certificates of Bartep?

8 A Yes.

9 Q What was that?

10 A Because possibly a day -- not possibly, it was
11 really the next day, I don't know if it was a Monday or
12 Wednesday, I had spoken to Mike Boraks and Tep. This is
13 three weeks after I bought it and I had mentioned the fact
14 that I am a partner in the business. I said, "I own
15 stock in Bartep." Mike said, "Have you gotten your stock?"
16 I said, "No." He said, "Well, get your stock."

17 Q Did you ask him why?

18 A Yes.

19 Q What did he say?

20 A He said, "I can't go into detail, Harold, but
21 there is a short, the price should have gone higher, I
22 don't know what is going on." He said, "Get your stock."

23 Q Did he go any further than that when he
24 was telling you to get your stock shares?

25 A No. Actually when I asked him to describe what was

Fisher

21

going on, he said, "Harold, I can't tell you anything. I can't tell you what is going on, I am suggesting to you, I am advising you to get your stock."

Q When you purchased these shares in Bartep, did you have any conversations with Mr. Cowan regarding your expectations as to how long you might hold the stock?

A No.

Q Did you have any discussion with Mr. Cowan regarding delivery to you of the certificates representing ownership of the shares in Bartep subsequent to this conversation you just described, you said it was two or three weeks?

A Did I ask him again subsequent?

Q Yes.

A I asked him for it 40 times, 50 times, a thousand times.

Q Did you ever put it in writing?

A Not before --

Q Let us pin-point it. In other words, up until the time you sent the telegram advising that you wanted to cancel this purchase, that was in February of 1969?

A Before that, 40 or 50 times I asked for the stock.

Q Did you ever put it in writing prior to that?

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A No.

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Q Did you ever request the delivery to you of these stock certificates in the presence of any third party other than you and Mr. Cowan?

6

A Yes.

7

Q When?

8

A In January.

9

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Q Where were you and where was he on this occasion?

11

A Where was I and where was Cowan?

12

Q Yes.

13

14

A Cowan was in his office in Miami Beach and I was in my home.

15

Q You were talking over the telephone?

16

A Yes.

17

Q Who was present at this time?

18

A A real estate man and an accountant.

19

20

Q These were people that were present in your home?

21

A In my apartment. We were talking a real estate deal and Cowan called me.

22

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Q Did any of those other people that were there speak to Cowan on that occasion?

A No.

Fisher

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2 Q Was there any occasion between your purchase
3 of the shares of Bartep and the alleged cancellation
4 of your purchase when you requested Mr. Cowan or anybody
5 on behalf of the defendant to deliver these certificates
6 to you in the presence of some other third party?

7 A You said something about cancellation and then
8 delivery?

9 Q Well, yes.

10 MR. HARRIS: You don't understand the
11 question, then you don't understand it.

12 Q At any time.

13 A At any time?

14 Q Yes, at any time, did you request anyone
15 on behalf of Harris, Upham to deliver to you the certificates
16 of stock in Bartep that you had purchased in the presence
17 of anyone other than you and Mr. Cowan, I mean in the
18 physical presence, not on the telephone?

19 A Where he and I and somebody else?

20 Q Right. In other words, I am asking you
21 whether there was any third person that would have heard
22 any request?

23 A No, only during the phone conversation.

24 Q Did you from time to time after you had
25 purchased these shares of Bartep talk to Mr. Cowan over

Fisher

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2 the telephone and ask him what the current price was?

3 A Yes.

4 Q Can you give us an estimate as to how
5 frequently that might be?

6 A Three times a week.

7 Q Would this three times a week discussion
8 have continued from the time that you purchased the stock
9 until the time when you sent the telegram to Harris, Upham
10 stating that you wished to cancel the purchase?

11 A Starting -- yes. To go on. To get going. We
12 started to get -- we were no longer friends. I started to
13 use four-letter words.

14 MR. HARRIS: Is that part of the answer
15 to the question?

16 THE WITNESS: I don't know. I forget
17 what the question was.

18 Q Do you remember having dinner with Mr.
19 Cowan on the night that you purchased the 500 shares of
20 Bartep?

21 A On the same -- on the day of the 5?

22 Q Yes.

23 A No. Not that night, I don't remember having
24 dinner with him that particular night.

25 Q Did you at the time you purchased these

Fisher

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2 shares, tell Mr. Cowan that you expected the price to
3 rise three or four points shortly at which time you would
4 sell?

5 A No.

6 Q Did there come a time when Mr. Cowan
7 informed you that there was no market for your shares in
8 Bartep?

9 A Did there come a time when he said there was no
10 market?

11 Q Yes.

12 A Yes.

13 Q When was that?

14 A That was after our conversation that I had with him.
15 After an angry conversation that I had with him and I
16 said, "If I am not going to get the stock, I want my money
17 back or go to your dopey manager and get my money."

18 He said, "All right, I will go to the manager.",
19 and he said the manager laughed in his face. I said,
20 "All right, then sell the God-damn thing." He said,
21 "There is no market."

22 Q This is approximately when, can you give
23 me the month?

24 A February.

25 Q When was the last time prior to this.

Fisher

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2 conversation that you had checked with Mr. Cowan as to
3 the price of Bartep shares prior to this statement you
4 just described?

5 A Three or four days.

6 Q What had he told you on that occasion as
7 to the market price of Bartep?

8 A Before the no-market you are asking me?

9 Q Yes.

10 A I would say yes. You know, sometime back.
11 Actually I didn't ask him for price every time I spoke to
12 him. I was already forgetting the price. I wanted the
13 stock. I had a different reason. I wanted the stock
14 more than the price.

15 Q Why is that?

16 A I could have sold it.

17 MR. HARRIS: What is this, a colloquy here?

18 Ask questions.

19 MR. TROWBRIDGE: I am asking questions.

20 MR. HARRIS: I object to the form of the
21 question. The question is not in the form to
22 be answered.

23 Q Were you under the impression that you had
24 to have the shares, the certificates representing ownership
25 of the shares in order to sell it?

Fisher

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2 A. Yes.

3 Q Had you on occasion sold shares owned by
4 you through your account in Harris, Upham, without
5 having the certificates in your possession?

6 A Yes. Other stock.

7 Q Was there any special information
8 available to you --

9 MR. HARRIS: I object to the form of
10 the question. Finish the question.

11 MR. TROWBRIDGE: I would like to have
12 a chance to finish the question. Read back the
13 start of the question.

14 (The pending question was read back
15 by the reporter.)

16 Q Was there any special information available
17 to you concerning Bartep which led you to believe that
18 your stock in that company could not be sold unless you
19 had possession of the certificates?

20 MR. HARRIS: I object to the form of
21 the question. There is no proper basis laid
22 for the question.

23 MR. TROWBRIDGE: It is a frivolous
24 objection. Do you direct him not to answer?

25 MR. HARRIS: Yes, I direct him not to answer.

Fisher

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2 Q What information did you have about
3 Bartep which led you to consider that the certificates
4 were necessary for you to make a sale?

5 A Say that again.

6 MR. TROWBRIDGE: Read it back.

7 (The pending question was read back by
8 the reporter.)

9 A What information did I have -- the buyer wanted
10 the stock.

11 Q Did you have a buyer that you had reached
12 yourself?

13 A Yes.

14 Q Who was that?

15 A A real estate man.

16 Q What was his name?

17 A John Witberg or Witing.

18 Q Can you provide that name?

19 A Yes.

20 Q Had you made any arrangement with this
21 gentleman, whose name you are going to provide, for the sale
22 of your shares of Bartep to him?

23 A Well --

24 Q Had you agreed on a price and a quantity?

25 A We agreed on a price?

Fisher

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Q Yes.

A Yes.

Q What was the price?

A \$10.

Q Had you communicated that information
to Mr. Cowan as of the time he told you there was no market?

A This is before the no-market.

Q How far before?

A Back in January. This is back in January.

MR. HARRIS: Is that the answer to the
question?

THE WITNESS: Yes, it was back in January.

Q Did you, in January, indicate to Mr.
Cowan the fact that you had a prospective purchaser for
your shares?

A Yes.

Q Did you do that over the telephone?

A Yes.

Q Did you tell Mr. Cowan the price at which
you could dispose of this stock?

A Yes.

Q Did you have any discussion with Mr. Cowan
on that occasion as to the market price of the stock?

A Yes.

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Fisher

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Q What did he say and what did you say?

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MR. HARRIS: Off the record.

8

(Discussion off the record.)

9

Q What did Mr. Cowan say to that?

10

11

A He said, "I don't understand what it is. I don't believe it. I can't understand it."

12

13

14

Q So as of January, you could have sold this stock to a third party directly for a price substantially in excess of the market?

15

A Yes.

16

17

MR. HARRIS: I object to the form of the question.

18

Off the record.

19

(Discussion off the record.)

20

21

Q What did Mr. Cowan say to you when you said you can't deliver it?

22

23

A "What are you worried about, Harold, Harris, Upham is good for the money." He must have told me that 40 times.

24

25

Q Getting back to a question I asked a few minutes ago and still has not been answered: What price

Fisher

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2 was given to you by Mr. Cowan as the market price of
3 Bartep at the occasion when you spoke to him about market
4 price most recently preceding the time when he told
5 you there was no market?

6 A Well --

7 Q What was the last market price he told
8 you about before he told you no market?

9 A It would be in the \$6 area. This is to the best
10 of my recollection. Again, I have to repeat. I was not
11 interested in price. I wanted the stock.

12 Q Did you at any time write Harris, Upham
13 advising them that you wanted the certificates so that you
14 could sell them to this third party?

15 A Did I write a letter?

16 Q Yes.

17 A No.

18 Q Did you at any time tell Mr. Cowan that
19 you intended to hold Harris, Upham & Co., Incorporated,
20 responsible for its failure to deliver these certificates
21 to you?

22 MR. HARRIS: I object to the form of
23 the question. You have not indicated the time.
24 It could include a date long after the commence-
25 ment of this lawsuit.

Fisher

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2 Q Let us confine ourselves now to the period
3 prior to the occasion upon which you were told there
4 was no market. In other words, did you ever tell Mr.
5 Cowan prior to that no-market information that you were
6 going to hold Harris, Upham responsible for not delivering
7 the certificates to you?

8 A No.

9 Q After you were told there was no market,
10 did you at any time tell Mr. Cowan to deliver the
11 certificates representing ownership of your shares in
12 Bartep to your bank in Miami?

13 MR. HARRIS: Do you understand the
14 question?

15 A Did I ever tell Cown to deliver --

16 MR. HARRIS: That is not the question.

17 Read back the question.

18 (The pending question was read back
19 by the reporter.)

20 A After he told me there was no market, did I tell
21 him to deliver it to my bank in Miami?

22 Q Yes.

23 A No. It was before.

24 Q How long before?

25 A The first week in February.

Fisher

33

Q Was that something you told him over the telephone?

A Yes.

Q Did you on that occasion tell Mr. Cowan that the certificates should be in street name?

A Yes.

Q Did you, prior to that conversation, have any discussions with any employee of your bank in Miami regarding this delivery?

A Prior?

Q Yes.

A No.

Q Subsequently?

MR. HARRIS: Rephrase the question.

I can't quite follow, Mr. Trowbridge, when you ask a question and the witness answers and then you say, "subsequently."

MR. TROWBRIDGE: You know what I am asking.

Q Did you have any conversations with any representative of your bank regarding the bank's acceptance of delivery of some certificates in Bartep subsequent to discussing that with Mr. Cowan?

A Subsequent to talking to Cowan, did I talk to the bank?

Fisher

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Q Yes, it is as simple as that.

A How subsequent?

Q Did you ever talk to the bank?

A Well --

Q What is your bank in Miami?

A Commercial Bank in Miami.

Q Did you at any time discuss with any employee of that bank the matter of delivery to the bank of any certificates of Bartep?

A After the bank received 2,000 shares. After the bank received 2,000 shares, they called me and I said to them, "Return it." This is a period after the no-market. This was after the no-market.

Q After the no-market was the first time you discussed with any person at the bank these shares of Bartep?

A No. After the no-market is when the bank received the certificates.

Q Prior to that you didn't have any discussions?

A No. After the bank received 2,000 shares again, phone conversation. I didn't go down there because the bank is in Miami and I live in Lauderdale. I got a phone call that an envelope came with some stocks. I told them to return it.

* * *

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 ----- x

4 HAROLD FISHER,

5 Plaintiff,

6 -against-

7 HARRIS, UPHAM & CO., INCORPORATED,

8 Defendant.

9 ----- x

10 CONTINUED DEPOSITION of the Defendant,

11 Harris, Upham & Co., Incorporated, by William

12 Smythe, taken by the Plaintiff, before John J.

13 Galgay, The Special Master, at 445 Park Avenue,

14 New York, New York, on March 24, 1972, commencing

15 at 10:20 A.M.

16 BEFORE:

17 JOHN J. GALGAY

18 The Special Master

19 APPEARANCES:

20 LIVINGSTON, LIVINGSTON & HARRIS, ESQS.
21 Attorneys for Plaintiff

22 292 Madison Avenue
23 New York, New York

24 KAPLAN, KILSHEIMER & FOLEY, ESQS.
25 122 East 42nd Street

New York, New York

by: DERMOT G. FOLEY, ESQ.

ALAN HARRIS, ESQ.
of Counsel

APPEARANCES (Continued):

GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
One Wall Street
New York, New York
by: MICHAEL J. McALLISTER, ESQ.
of Counsel

* * *

W I L L I A M S M Y T H E , having been previously
duly sworn, testified further as follows:

THE SPECIAL MASTER: As a preliminary to
Mr. Smythe's deposition, I would like to state
for the record a telephone conversation I had this
morning with Judge McMahon.

I told the Judge as I understood his
order appointing me as Special Master I was under
an obligation to attend and supervise all
depositions.

He stated that that was his intent. I
told him that counsel for the parties had informed
me that they intended to take depositions in
Miami, Florida, on Tuesday and Wednesday of next
week and suggested that it may be unnecessary
for me to attend since they thought that the
depositions could be conducted in such a manner

1
2 as not to require immediate rulings.

3 They also advised me if a dispute arose
4 the depositions would be terminated and would
5 be renewed in New York for the continuation of
6 that deposition and no application for fees for
7 travel or attorneys' expenses would be made by
8 either side.

9 Judge McMahon advised me if it was my
10 judgment the depositions could be conducted with-
11 out the necessity of my presence I was free to
12 make an exception to his order.

13 This morning I have received the same
14 assurances from counsel and I will absent myself
15 from those depositions under the exceptions I
16 have just described.

17 Is that satisfactory?

18 MR. MC ALLISTER: Yes, sir.

19 MR. FOLEY: Yes, sir.

20 Mr. Galgay, late yesterday I was fur-
21 nished at my office from Mr. McAllister with
22 an envelope that was hand delivered to my office,
23 which contains twenty some odd documents, a few
24 of which are duplicates of documents that had been
25 formerly furnished to me, but the majority of

Smythe

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2 that was designed so that we could request their
3 production. Rather than furnish us with the list,
4 in response to that in the amended answer eight
5 documents were produced as all of the inter-office
6 communications.

7 I think that there is no doubt about it
8 that in the process of subsequent discovery we
9 have been able to extract in a most unpleasant
10 and difficult way well over fifty that were never
11 produced originally.

12 That gets in the way of orderly procedure.
13 That is perhaps the most outstanding example of
14 what the problem is here and why I am going to
15 have to do something about it in the long run.
16 I really feel if we hadn't gotten a Special Master
17 in this case I don't know where we would be today.

18 THE SPECIAL MASTER: Mr. McAllister, would
19 you like to respond to Mr. Foley's comment before
20 I respond?

21 MR. MC ALLISTER: Yes. The first statement
22 of Mr. Foley was whether Harris, Upham through
23 its attorneys could make a commitment at this
24 time that the Rule 34 request has been complied
25 with. I will state at this time the Rule 34 request

Smythe

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has been complied with as of now.

MR. FOLEY: That is as of yesterday afternoon.

MR. MC ALLISTER: That's correct.

THE SPECIAL MASTER: You mean in your judgment you represent for Harris, Upham that everything called for by the Rule 34 motion, so far as is humanly possible, a reasonable search has been made and you have produced all documents?

MR. MC ALLISTER: That is correct. With regard to return of witnesses which may be compelled -- to paraphrase Mr. Foley's statement -- by this late production, I would seek at this time -- because my judgment at this time is that although we have had a late production I am not too sure it would compel the return of certain witnesses, but that, of course, is Mr. Foley's judgment; and I will seek at the appropriate time, possibly with Mr. Galgay's assistance, to make an objection to the return of the witnesses on the grounds that it might not be necessary. I can certainly understand Mr. Foley's request because of the late production. I am not waiving any objection that I may have.

* * *

Smythe

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1 particular place, not of a special category, but
2 winds up in the omnibus file so to speak for the
3 day's work for Harris, Upham. I asked him to
4 review that, and he had a Harris, Upham employee
5 do so in the warehouse last weekend, which is the
6 only time the warehouse is available to Harris,
7 Upham.
8

9 Those documents before you are the result
10 of that search and that search was in compliance
11 with the Rule 34 request. As of this time
12 there are no outstanding requests for documents,
13 and I believe I have complied to the fullest
14 possible extent with the Rule 34.

15 THE SPECIAL MASTER: In your previous
16 attempts to comply were the warehouse records
17 searched at a prior time?

18 MR. MC ALLISTER: Yes, but for other docu-
19 ments. The majority of the documents that we have
20 produced are warehouse-maintained documents.

21 MR. FOLEY: Prior to this, I think I can
22 state without even asking the question, I think
23 Mr. McAllister will agree with me, prior to this
24 discussion with Mr. Otten a new source of documents
25 was discovered.
* * *

Smythe

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2 A It is like putting money in the bank. If
3 you go back tomorrow and ask for your money back it's
4 all gone together.

5 Q I would like to be more explicit. Would
6 Harris, Upham have any way of telling while a stock
7 is out to security what particular certificate numbers
8 had been obtained from a selling broker for the purpose
9 of executing an order by a customer to buy shares in a
10 particular company for transfer to Street name?

11 MR. MC ALLISTER: If you know.

12 A If there was only one sale that day and
13 one delivery, I guess they know it was for that customer.
14 If there was more than one I don't think they could tell.

15 Q Nobody could tell?

16 A As long as you get the stock in on the
17 purchase.

18 Q Nobody in Harris, Upham could tell, not
19 just the transfer department?

20 A I couldn't tell you. If somebody else did
21 I don't see how they could very well.

22 Q Once again to get on to the Fisher trans-
23 action, do you recall that at a point of time some time
24 after October 21, 1968, certificates were received and
25 put into transfer in the process of executing Mr. Fisher's

1
2 order for five thousand shares of Bartep? Are you aware
3 this happened?

4 A I wasn't aware that any of it was for his
5 account or his name until I was told to deliver stock
6 in Street name to the bank for him. That's the first
7 time he even comes up as far as I know.

8 Q When was that?

9 A February or March. March, I guess.
10 February. I would have to look at the tickets.

11 Q Prior to February or March when you received
12 these instructions to deliver securities to a bank, you
13 had never known that there was any problem about Mr. Fisher
14 or his shares of Bartep, is that correct?

15 A I knew there was a problem with Bartep but
16 not who it belonged to at all.

17 Q Had you been involved in any efforts made
18 by or on behalf of Harris, Upham to clarify problems with
19 Bartep?

20 A Yes, that started in December.

21 MR. MC ALLISTER: Could you give us the
22 year?

23 A 1968.

24 Q Subject to more detailed examination of
25 this will you give us a synopsis of what happened in

1
2 December, what involvement you had with respect to problems
3 in Bartep?

4 A When any stock is in transfer for a period
5 of time, it is checked probably once a month, and the
6 transfer instructions are pulled out and it is up to
7 somebody in the department to check and find out why the
8 delay in receiving the stock.

9 Q The transfer instructions are the transfer
10 units?

11 A Yes, to inquire of the agent why the delay
12 in delivery. As a result of the old transfer units being
13 pulled out I wired Florida to contact the agent to see
14 why the stock is being held up, why we haven't received
15 new stock.

16 Q Do I understand from this statement here
17 you made some kind of a check in your files and found
18 there is a bit of delay here with Bartep and then you
19 initiated an inquiry because of that?

20 A I may not have checked the files. It may
21 have been one of my people who pulled it out and I
22 made the inquiry.

23 Q On your own initiative?

24 A Yes.

25 Q Would you continue?

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1 A Which I think is the wire of December 17
2
3 I believe is the date. I didn't get any specific reply
4 from the Florida office to my wire and I phoned the
5 transfer agent, who told me they were no longer the
6 transfer agent, that Bartep picks up the stock once a
7 week, it has been delivered to them. So then I called
8 Bartep and they told me they shipped it to the new trans-
9 fer agent who was R & T in Jersey. Then I contacted
10 R & T and was told yes, they had a lot of Bartep stock
11 there --

12 Q Could you put dates on some of this, if you
13 have any rough idea?

14 A After the 17th, within a week probably after
15 the conversation took place. R & T informed me they had
16 a lot of stock there in transfer but they were not pro-
17 cessing any of it as Bartep had not furnished them with
18 any new certificates yet, and said as soon as the
19 certificates were furnished they would process the
20 transfers.

21 Q Do I understand you to say R & T told you
22 then they had the shares you were looking for?

23 A They just said they had a lot of Bartep.
24 They didn't look through it.

25 Q Did you ask them where yours were?

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1
2 A I said Bartep told me they had shipped all
3 of them up there. R & T said Bartep was stacked up and
4 they were not doing anything with it until they got certi-
5 ficates from Bartep.

6 Q Having found out that the Registrar & Trans-
7 fer Company in New Jersey had an undisclosed number of
8 certificates awaiting transfer in their office, and having
9 found out that transfer was being held up pending
10 receipt of new blank certificates from Bartep, did you
11 inquire as to when it was expected they would be able to
12 get on with the job and complete the transfers?

13 A Yes, but the whole thing was they couldn't
14 do anything until they could get the certificates.

15 Q I assume the person who was supplying the
16 certificates could tell?

17 A He would be the only one.

18 Q Did you ask them?

19 A Bartep? I don't remember.

20 Q Did you receive any indication from anybody
21 how long it might be before transfer could be accomplished?

22 A No, no specific time.

23 Q Did you ascertain whether any of the other
24 steps that would be required by the Registrar & Transfer
25 Company to complete a transfer, such as checking on the

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30

1 validity of the received certificates, had been accom-
2 plished?

3
4 A No, there was no reason to.

5 Q I am not sure I follow you. Are you testi-
6 fying that inasmuch as the new certificates had not been
7 received but were expected that there was no reason to
8 check on whether the initial steps in the process of
9 accomplishing a transfer could be done, the steps that
10 take place prior to making out the new certificate?

11 A No, the agent wouldn't even look up any-
12 thing at that time. They just have it stacked up, but we
13 will process them when we get new certificates.

14 Q Is that normal procedure?

15 A Yes.

16 Q Did you make any further inquiries anywhere
17 to find out if any progress had been made on this?

18 A Not that I remember.

19 Q When was the next time you heard about it?

20 A The next time was when the rejections came
21 in.

22 Q That was in late January?

23 A As far as I know it was in February.

24 Q Looking at the dates here, you wired the
25 Florida office on or about December 17, 1968?

1
2 A Yes.

3 Q You received no answer from them?

4 A Right.

5 Q You made no inquiry of them as to why they
6 weren't answering your Telex?

7 A No, I called the agent directly.

8 Q That was about a week later?

9 A It could have been a day or two. Probably
10 the three calls may have been over a period of a week.

11 Q So let's say that by December 24, before
12 Christmas, you had all this information here?

13 A Right.

14 Q By Christmas then you were aware of the
15 fact that transfer was held up pending receipt of further
16 blank certificates by the transfer agent?

17 A Right.

18 Q Does this frequently happen?

19 A I wouldn't say how frequently but it happens
20 with every company. It can be a big company that is late
21 in getting certificates or a small one. It happens
22 occasionally I would say.

23 Q On the basis of your experience is it the
24 sort of situation everybody involved with ought to get
25 straightened out as fast as conveniently?

1
2 A Nobody likes to wait for stock transfer.

3 Q Assuming that the transfer agent feels the
4 same way about it, and I think we can assume that, would
5 you not normally expect the transfer agent would contact
6 the company and say, "Get me new certificates"?

7 A I am sure they did.

8 Q Is it normal to take six weeks further be-
9 fore they get new certificates?

10 A At that period of time I would say it was
11 probably normal.

12 Q When you made this discovery of fact about
13 the problem with new certificates before Christmas of
14 1968, did you then know how long this condition had
15 existed?

16 A I could go back as far as our transfer units
17 went. So it had to exist from that period. It could
18 have existed longer. I don't know.

19 Q Did you ever find out when did R & T become
20 the agent?

21 A No, we were never notified except by phone
22 call to the transfer agent in Miami.

23 Q Did R & T indicate to you whether they had
24 ever been furnished with certificates when they became
25 the agent?

1
2 A They didn't say.

3 Q Did they tell you this was a situation
4 where they just ran out of supplies or hadn't been given
5 any?

6 A As I remember they had not received any.

7 Q Do you know how long that condition had
8 continued up to the point when you found out?

9 A No, it would have had to continue from the
10 time we put ours in transfer, because there was no trans-
11 fer made.

12 Q When did you put yours in transfer?

13 A October or November, I believe.

14 Q Late October or early November?

15 A Yes.

16 Q By the time you found out about it the
17 situation was by then almost two months old?

18 A Pretty near.

19 Q That is the situation about the failure of
20 the company to supply the transfer agent with new blank
21 stock certificates?

22 A Yes.

23 Q Your testimony was that approximately
24 every month you check your file to find out what's going
25 on with transfers?

1
2 A Right.

3 Q Having put the stock in for transfer the
4 beginning of November I presume you checked your file
5 during November to find out how it was coming along?

6 A It may have been checked, yes.

7 Q Do you know what time of the month you make
8 this check?

9 A No.

10 Q Would it help you at all to note that in
11 December your testimony was that you contacted your
12 Florida office in your initial inquiry at that time on
13 or about the middle of the month, say around December 17;
14 would that indicate to you normally towards the middle of
15 the month you would make this check of your file of Bar-
16 tep?

17 A It is hard to say.

18 Q When you say approximately once a month
19 is there some degree of routine involved in that?

20 A Yes, it is a regular thing but there is no
21 specific day it is done. It is usually done on a day
22 that isn't quite as busy as one of the other days. One
23 of the girls will sit down and go through the whole file.
24 It may take her two or three days to do it because she
25 can't sit down and spend the whole day on it. She will

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1
2 work an hour in the afternoon on it if it is slow and the
3 next day maybe two hours.

4 Q It would be a two or three-day period each
5 month?

6 A Yes.

7 Q But no regularity as to time involved?

8 A No.

9 Q Do I understand that when this monthly
10 check-up takes place of the file, the girl who is appointed
11 to do it looks through all outstanding transfers to
12 see which ones are aged?

13 A Right.

14 Q How old would a transfer need to be when
15 you would consider it as meriting an inquiry?

16 A Well, anything over a month.

17 Q Consequently, having placed these transfers
18 that we are discussing, Fisher or Bartep transfers,
19 having sent them to the transfer agent originally at
20 approximately the beginning of November, they wouldn't
21 become the subject of reasonable inquiry until some time
22 in December?

23 A Right.

24 Q I think we can agree the testimony indicates
25 that your discovery of this lateness and the inquiries

1
2 you made as a result of discovering that probably
3 occurred towards the middle of December?

4 A Right.

5 Q It would be reasonable to assume that some
6 time in January there was another check made of the file?

7 A Right.

8 Q At that time you discovered that here was
9 Bartep now out for over two months or probably two and
10 a half months?

11 A Right.

12 Q Was anything done?

13 A R & T was probably contacted, I don't
14 remember specifically, to see whether they received any
15 certificates yet.

16 Q You don't know?

17 A No, not specifically.

18 Q Now, apart from the testimony that you have
19 given with respect to an inquiry to your Florida office
20 and phoned inquiries to the original transfer agent,
21 the Bartep Company, and the Registrar & Transfer Company
22 of New Jersey, which led you to the original discovery of
23 the scarcity of new certificates, were any other communi-
24 cations made that you know to pursue this problem?

25 A Not that I know of.

1
2 than returning them to the broker?

3 A Not at that time.

4 Q I would like to refer again to Exhibit
5 31-B-1, transaction No. 1 indicates five hundred shares
6 in five certificates. I would like to show you Exhibit 32.
7 Would that indicate to you that these particular five
8 certificates were rejected for some reason by the trans-
9 fer agent?

10 A Yes, it looks like it.

11 Q When were they sent out to transfer? When
12 I say sent out to transfer I mean when were they physically
13 delivered to the transfer agent?

14 A Probably the 30th, mailed. October 30.

15 Q October 30, 1968. When were they received
16 back from the transfer agent?

17 A March 7th.

18 Q That would be then for a period of approxi-
19 mately slightly over four months they were out with the
20 transfer agent. During that period of time can you tell
21 us whether you made any specific inquiry as to what was
22 wrong there?

23 A This is part of the group that I inquired
24 about in December.

25 Q This is your earlier testimony that you made

1
2 an inquiry in December?

3 A Yes.

4 Q I would like to show you this document
5 which has date and time stamped, December 19, 1968, and
6 ask if you can describe it. And I would like it marked as
7 an exhibit.

8 A Yes, this was my initial inquiry as to the
9 delay in transfer of Bartep Industries, which I sent to
10 the Miami Beach office.

11 (Whereupon, the document dated December
12 19, 1968 referred to above was marked Plaintiff's
13 Exhibit No. 45 for identification.)

14 Q This is the document you testified about
15 before?

16 A Yes.

17 Q Your recollection formerly had been you
18 sent this on the 17th but it was the 19th?

19 A Yes.

20 Q Is this in your handwriting?

21 A Yes.

22 Q Did I understand your testimony correctly
23 that the message that was contained on this document
24 was initiated simply and solely because you or your depart-
25 ment checking your records found that the shares were out

1 for a long time to a transfer agent and nothing had come
2 back?

3 A That's correct.

4 Q When you write up a document such as this
5 do you send it somewhere to be wired, or what?

6 A Yes, it is sent through the tubes to the
7 wire room and it is then sent over the Telex to the
8 Miami Beach office.

9 Q Have you any way of verifying whether or
10 not that was ever sent by your Telex people?

11 A The time stamp is theirs. If they send it
12 they stamp it.

13 Q And return it to you?

14 A No.

15 Q They keep a record though?

16 A This was in the day's work which ended up
17 in the warehouse.

18 Q This time stamp is stamped by them. Does
19 the hour noted have any relevance; is that the time they
20 sent the message?

21 A When they have completed the message on
22 the Telex they timestamp it.

23 Q You addressed this to FL/L11. What is
24 that?
25

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1 A Lil, that is one of the girls in the office.

2 Q Is she a girl in the Florida office?

3 A Yes.

4 Q Why would she get this?

5 A Usually they have one person in each office
6 that gets most of the inquiries.

7 Q Is it her job to receive this Telex and do
8 something about it?

9 A Yes.

10 Q Does she work independently or under some-
11 body's supervision?

12 A I am sure she works under somebody's super-
13 vision, the branch manager.

14 Q He also presumably would be aware of the
15 fact --

16 A Not necessarily. If she can get the answer
17 he would never know about it.

18 Q Can you tell us for whose account the four
19 thousand shares were in transfer which are noted here?
20 When I say "whose account," with respect to which customer's
21 order were these shares obtained?

22 A I have no idea.

23 Q You have a note on here that some items
24 among these four thousand go back to October 29, I presume
25

1 that is 1968?

2 A Correct.

3 Q What do you mean by that statement? Was
4 that a settlement date on which the items you were talking
5 about were due?

6 A No, these are the items that have been in
7 transfer since that time, and the agent has them.

8 Q In other words, if you were to check and
9 find out which shares you are talking about when you
10 refer to these four thousand shares, the thing to do would
11 be to look at your daily work for that day; if you had
12 four thousand out I guess that is what you are talking
13 about, right?

14 A No, we took it from the transfer files,
15 added up the number of units we had and that is the
16 number of shares.

17 Q Am I correct that these are the files in
18 which you keep copies of the transfer units to show the
19 work going out for the day?

20 A It covers everything that is in transfer.

21 Q What other documentation do you have to
22 reflect attempted transfers in your transfer file other
23 than copies of transfer units?

24 A That's all. It doesn't cover any one day.
25

1 It covers all days.

2
3 Q To get this here, you have a reference to
4 October 29, you look in your transfer file, presumably
5 you are referring to the date on the transfer unit show-
6 ing it was that day's work, sending it out that particular
7 day?

8 A Right.

9 Q If you check your transfer file and you
10 find out what Bartep shares you had out on October 29,
11 you find there are four thousand of them out --

12 A No, that wire doesn't mean there were four
13 thousand out on the 29th. Some of the items go back to
14 that period. This would be questioning all stock that was
15 out at the agent then.

16 Q What records do you have to show the Bartep
17 shares which had been sent to the transfer agent on or
18 after October 29 which had not been returned to you as
19 transferred by December 19?

20 A You have your black stock record copy and
21 it is in the transfer file.

22 Q Can we work out which ones they are?

23 A Everything up to December 19, when I sent
24 the wire.

25 Q Then do I understand your statement as

1 necessitating the following conclusion: on the basis of
2 what this Exhibit 45 states and on the basis of your
3 answers to the last couple of questions, if the shares
4 that had been purchased as a result of the orders placed
5 by Mr. Fisher had been placed in transfer, as presumably
6 they had, prior to December 19, 1968, then the four thousand
7 shares you are referring to in this Telex include all of
8 Mr. Fisher's outstanding work?
9

10 A At that time I would have no idea.

11 Q I am asking you now to make this assumption
12 right now, that Mr. Fisher's orders had been placed in
13 transfer prior. I will go one better. I would like you
14 to refer again to Exhibit 31-B-1. You see the dates
15 these were put into transfer?

16 A Yes.

17 Q If you look at date in transfer you will
18 see a large number of these were put in transfer prior to
19 December 19.

20 A Yes.

21 Q Linking this exhibit with Exhibit 45 then,
22 the four thousand shares you are talking about have to
23 include those on Exhibit 31-B-1 which reflect having been
24 in transfer prior to December 19?

25 A Right.

1
2 Q You have a statement here, "We are going
3 to be bought in." Will you explain what the factual back-
4 ground of that sentence is?

5 A There is no factual background. It is
6 something to make the other office go to work on it
7 right away. They are apt to let your wire sit.

8 Q Normally if you want fast work on wires
9 isn't it the practice in Harris, Upham to put the word
10 "race" on the wire?

11 A "Race" on the wire is to make it go out
12 ahead of the other wires in the wire room.

13 Q It doesn't put any urgency?

14 A Presumably they are in a hurry.

15 Q To get an answer from your people down in
16 Florida do you have to go to special lengths beyond just
17 asking a question?

18 A Some times.

19 Q In this instance you didn't get an answer?

20 A Apparently not.

21 Q What do you have to do to get an answer?

22 MR. MC ALLISTER: I object to the form of
23 the question?

24 THE SPECIAL MASTER: I think it is an
25 appropriate question.

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1 A Well, I was trying to, there.

2 Q To be quite honest with you, I don't mean
3 to be facetious at all, between your home office and
4 your branch office, does some sort of a little game have
5 to go on to get answers to questions?
6

7 A Some times it seems like it, if they are
8 too busy to answer you right away.

9 Q In the process of running the management
10 of a company isn't there somebody somewhere who has the
11 duty to see to it that questions get answered?

12 A I suppose.

13 Q Sending telegrams like this is part of the
14 regular business conducted by the company?

15 A Right.

16 Q Is there anybody who turns around and says
17 look, if the procedures normally pursued by this company
18 are ignored, especially when a statement such as this is
19 put on for the purpose of being sure they will be
20 answered, and they are ignored, something happens which
21 may be as severe as somebody getting fired.

22 Is there any procedure at Harris, Upham
23 for pursuing that kind of situation and seeing there is
24 compliance with requests for information which on their
25 face indicate there is something rather urgent about them?

1
2 A You are out of my bailiwick. I can't answer
3 it.

4 Q You know about how a guy gets fired in the
5 company who works there seven years.

6 A Yes.

7 Q You have seen people get fired?

8 A Yes.

9 Q I am sure you have some acquaintance with
10 the fact that disciplinary problems arise within any
11 company and in particular during this period of time at
12 Harris, Upham because of the failures of individuals to
13 comply with their duties in the company.

14 MR. MC ALLISTER: If you know.

15 A I have seen people get fired, yes.

16 Q Would you say that because of receiving a
17 message such as this, whoever this person "Lil" is had
18 an obligation to give you information?

19 A She had an obligation if she could get the
20 information. Whether they answered me or not I can't
21 tell you. She might have answered me and I ended up
22 calling the agent.

23 Q If she didn't get the information did she
24 have an obligation to let you know "I haven't got an
25 answer"?

1 A Right.

2
3 Q In the normal course of events was L11 on
4 the phone regularly with you?

5 A No.

6 Q When you send information like this by
7 Telex I assume that is the normal way to make an inquiry?

8 A Yes.

9 Q How would she answer you, by Telex?

10 A Usually, yes.

11 Q Has any inquiry been made to see if there
12 ever was any answer whatsoever from L11 about this?

13 A I looked but I didn't find any.

14 Q You have indicated this morning, your
15 testimony was a few days later you started making tele-
16 phone inquiries yourself.

17 A I may have done it the same day. I can't
18 tell you exactly. It is in that period.

19 Q Would you have done that if you had received
20 an answer from her?

21 A Probably not.

22 Q That is an indication to you she didn't
23 answer?

24 A Yes.

25 Q Can you tell us what was the reason for

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1
2 the urgency that led you to put on this statement "We are
3 going to be bought in"?

4 MR. MC ALLISTER: Asked and answered.

5 MR. FOLEY: I am going in a different
6 direction.

7 Q Did you put that in all your telegrams?

8 A Not all.

9 Q Was there something about this situation
10 of Bartep that distinguished it from other situations
11 that led you to putting this on?

12 A No.

13 Q Had you made any attempt to make inquiries
14 prior to that which had not resulted in the answers you
15 were looking for?

16 A Not on Bartep.

17 Q Here is the first inquiry out, right; never
18 made an inquiry before about Bartep and you are sending
19 out a message which includes an indication that something
20 pretty important is about to happen if you don't get
21 answers to this inquiry?

22 A As I said, it was just put in to try to get
23 an immediate response.

24 Q You are saying there was nothing going on
25 that required an immediate response for this more than

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1
2 any other inquiry?

3 A No.

4 Q You had shares of other companies presumably
5 which were out for transfer for longer than a month,
6 didn't you?

7 A I am sure at that time we did.

8 Q Maybe even longer than two months?

9 A Yes.

10 Q Was it your practice when you would send
11 out inquiries as to what was holding them up to put on
12 a message such as this "We are going to be bought in"?

13 A Some times.

14 Q Is it your testimony now that in point of
15 fact you were not going to be bought in?

16 A I don't think we were.

17 Q Do you know?

18 A I don't know for sure.

19 Q How would you find out?

20 A You would have to go to the stock record
21 and see how many fails we had, we were failing to deliver.

22 Q Would that show you who, if anybody, was
23 threatening to buy you in?

24 A No, it wouldn't show whether there was a
25 buy-in at that time or not. It would show whether we

1
2 were failing to deliver.

3 Q What do you mean by saying "We are going
4 to be bought in," apart from the fact that you were
5 urging action here? Is the thought here that this would
6 create in the mind of the person who receives this the
7 impression that somebody has threatened to buy you in
8 somewhere?

9 A Yes.

10 Q Presumably that person would then assume
11 you had received some kind of a notification either oral
12 or in writing from somebody that if something didn't
13 happen there was going to be trouble?

14 A Right.

15 Q Are you alluding to the process of sending
16 out notices of intention to buy in?

17 A That is what I am alluding to.

18 Q Viewing this here, who on earth could be
19 buying you in in a transaction such as this, the customer?

20 A No, it would be another broker.

21 Q On securities you had received from the
22 selling broker?

23 A We were failing to deliver.

24 Q These four thousand shares were for your
25 customer; you were the agent for a buyer, not a seller.

1 A I have no idea at that time.

2 Q The indication is you were making an
3 inquiry of a transfer agent. Would you do that if you
4 were not the broker who had sent the stock out for
5 transfer?
6

7 A Oh, no. We would have no reason to if we
8 had sent it out for transfer.

9 Q If you were the broker who sent the stock
10 out for transfer am I safe in concluding you were the
11 broker who received them from a selling broker and sent
12 them to transfer?

13 A They could have come in from a selling
14 broker, they could have come in from a customer for
15 transfer to Street name.

16 Q It would be one of those two alternatives?

17 A Yes.

18 Q In a situation such as that could the selling
19 broker, assuming that half of the alternative is pursued
20 now -- could a selling broker buy you in under those
21 circumstances?

22 A The selling broker can't buy you in.

23 Q Taking the other half of the alternative,
24 if it is a customer who delivered the securities to you
25 is there any occasion for him to buy you in?

1
2 A No.

3 Q Who is going to buy you in?

4 A I told you that was put on just to get a
5 response.

6 Q Shouldn't any person in the securities
7 industry with any knowledge of how it works know that
8 situations where you send stock out for transfer such
9 as this are occasions where you can't be bought in?

10 MR. MC ALLISTER: I will object to the
11 form of the question, "where you can't be bought
12 in."

13 MR. FOLEY: He just testified to this.

14 A Would you repeat it?

15 (Question read.)

16 A I think you can still be bought in, stocks
17 in transfer.

18 Q I am talking about the situation revealed
19 by the wording of this Telex here, as having been the
20 brokerage firm that put the stock in for transfer. I am
21 just regarding myself as somebody in the Florida office
22 who gets this in saying we got the stuff in for transfer
23 and we are going to get bought in, I have to ask how
24 could this be. I am looking at the thing and trying to
25 figure out what the background was and how this could

1
2 have occurred, as the person reading it down in Florida.
3 It puzzles me, I am going into it in some depth for that
4 reason.

5 A The only thing the person in Florida would
6 know about it is that I want him to call the agent and
7 find out what the delay is.

8 Q He knows more than that. He knows there is
9 a buy-in notice.

10 A No, I told him that. He doesn't know there
11 is.

12 Q As far as his knowledge goes.

13 A He thinks there is. It has nothing
14 necessarily to do with any account of his. It could be
15 an account of any other office. His whole thing is to
16 call the agent and find out and let me know.

17 Q On the basis of the testimony you have given
18 here today is it not true if this person is not just a
19 totally uninformed individual, if it is somebody who knows
20 anything about securities, they can take a look at this
21 document and give this document the analysis that has
22 evolved in the last few questions here and come to the
23 conclusion this is a case where there can't be a buy-in.

24 A No, he would have no way of knowing.

25 (Recess for luncheon.)

EXAMINATION BY MR. FOLEY CONTINUED:

Q Returning to Exhibit 45, Mr. Smythe, have you done any thinking about this exhibit over lunch that you could perhaps shed more light on this last sentence?

A There is a possibility that there were some sales and that we owed stock out.

Q If that were not the case is it not true you couldn't possibly have anybody threatening to buy you in?

A We would have to be in a fail position to have any threats to buy in.

Q On the basis of that would you like to reconsider, just to speed up an answer to this thing, was that the only reason why you put that in or whether or not you did have a threat?

A I can't remember.

Q I am going to refer now to Plaintiff's Exhibit 18-C, 19-C, 20-C, 21-C, 22-C. We have confirmation tickets here that confirm sales of Bartep out of the account of Louis Padula on the following trade dates: November 8, November 14, November 22, November 25, and December 6, all of 1968. The total amount of those trades, that is seven hundred shares right there. There

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12 is from Margin Clerk Sempey. S-e-m-p-e-y. Presumably they had wired him to pay.

Q To pay Miller for the shares they received?

A Yes. He wired back and said, "I do not have legal clearance on the Bartep as yet."

Q Date?

A February 12.

Q Do you know what the status of that stock was at that time; was it in transfer, at the agent, in your office?

A From the unit I would say it was still in our office. The second wire is dated February 17. It is sent to Larry in Fort Lauderdale from Schwartz in the cage. His wire says, "re: Bartep, still in transfer."

Q What does that mean, in your department?

A He didn't say. It means it hasn't cleared.

Q Is that consistent with the statement that it was still sitting in your office and not even been sent to the transfer agent?

A As far as I can tell, yes.

Q When they say in transfer, as Mr. McAllister indicated a moment ago, this may mean it is in the transfer department and not gone out to the transfer

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recollection is poor. I can't understand why.

Q I will identify the ones I am giving you now. I have presented you with Exhibits 83 and 84. I am also going to give you Exhibits 78, 75, 76 and 77. Look at those and see if that refreshes your recollection at all whether or not Mr. Mallett was discussing the Fisher transaction with you. We might also ask you to take a look at No. 60 and 69-A and B. From all of these, I would like to ask you if you recall doing any work in the context of Mr. Fisher's order. I would like you to also look at No. 80, which is dated February 27th. It says that Bill Smythe knows the whole story on this stock, and it refers to Mr. Fisher's account number.

THE SPECIAL MASTER: Mr. Foley, would you like to summarize the dates, the all-inclusive dates of the series of documents? It might be helpful to the record.

MR. FOLEY: What we have is a series of documents here which begin with 69-A and 69-B which were originally given to us as stapled together, 69-A being undated, but 69-B being dated February 14th. This series of documents runs through February 28th, a Telex from Mr. Smythe to Mr. Mallett in Miami.

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2 THE SPECIAL MASTER: Let the record show
3 that the witness has examined these documents
4 and Mr. Foley is about to inquire with respect
5 to them.

6 Q I wish to ask you now, Mr. Smythe, whether
7 having examined these documents your recollection is
8 in any way refreshed as to whether or not in February you
9 were aware of a problem in Miami being created by
10 Mr. Fisher's demand for originally his shares and later
11 cancellation of his order.

12 A The only demand of the shares is to ship
13 it in Street name.

14 Q Do you recall the fact that there was a
15 difficulty about Mr. Fisher's order at that time?

16 A Yes.

17 Q Do you recall now any discussions that you
18 had with Al Key and/or Scott Long other than the one you
19 testified to earlier, where either or both of them told
20 you that the cancellation had been requested and would
21 not be complied with? I am talking again now in the
22 month of February.

23 A Only that we were to ship stock in the
24 Street name to the bank.

25 Q And that was pursuant to the instructions

Smythe

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2 which are reflected on 69-A and B, was it not?

3 A Yes.

4 Q Which appears to have been around February
5 14th, namely, prior to the cancellation.

6 A Yes.

7 Q But after the cancellation attempt on
8 February 17th, you have no recollection of your discus-
9 sions with Mr. Mallett, do you?

10 A No.

11 Q You have no recollection of his informing
12 you in January or February that the customer was hounding
13 the registered rep down there?

14 A Not for stock in transfer, no.

15 Q For anything.

16 A I think this is the first time it comes up
17 with me.

18 Q Do you recall after February 17th, when the
19 cancellation telegram arrived, ever being told that
20 Mr. Fisher was hounding the registered rep in Florida
21 to get action on his request?

22 A I knew they wanted a total of five thousand
23 shares to be shipped to the bank for his account.

24 Q This was after the cancellation?

25 A I was told as soon as we get five thousand

1 shares, we were to ship it.

2 Q Who was it who wanted the five thousand
3 shares shipped?

4 A You have the wire there to ship it in
5 Street name to the bank.

6 Q We have here the instruction from Mr. Mallett.
7 Did you get it from anybody else?

8 A I didn't receive that from him. I don't
9 know who it was shipped to. Probably to Lobe.

10 Q Who gave the instruction to you?

11 A Lobe gave me the instruction to ship the
12 stock.

13 Q Do you know whether Al Key or Scott Long
14 were involved in those instructions?

15 A Perhaps. I don't know. I suppose so.

16 Q But do you know?

17 A No, not definitely.

18 Q What would be the basis of your supposition
19 that this was so?

20 A The majority of the instructions to ship
21 come from the margin clerk or to put in transfer would
22 come from Lobe, the margin clerk. He would be instructed
23 to give the transfer department instructions.

24 Q Who would instruct him?

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2 A It would usually come from his branch
3 office, which would be the Miami Beach office.

4 Q I asked you a moment ago what would be the
5 basis of your supposition that Scott Long or Al Key were
6 involved in these instructions here.

7 A Because they received the wire referring
8 to the cancellation.

9 MR. FOLEY: Off the record.

10 (Discussion off the record.)

11 Q Mr. Smythe, did I understand your testimony
12 to be that Scott Long and/or Al Key were involved in the
13 instructions that you testified to a few moments ago to
14 ship five thousand shares in Street name?

15 A Yes, I think they knew about it. I am
16 sure they knew about it.

17 Q Can you tell us what is the basis of your
18 supposition that they did know about it or were involved
19 in it?

20 MR. MC ALLISTER: Is that your recollection?

21 THE WITNESS: As I recollect, yes. I
22 don't know what the basis of it would be.

23 MR. MC ALLISTER: Off the record.

24 (Discussion off the record.)

25 Q Can you tell us the extent of your vague

1
2 recollection?

3 MR. MC ALLISTER: I don't know whether he
4 agrees with me or not.

5 MR. FOLEY: If this is so.

6 A It has been such a long time that I can't
7 remember exactly whether they were specifically involved
8 in the instruction to ship the five thousand in Street
9 name or it came first from Lobe and he said they knew
10 about it or they told me that Lobe was going to give me
11 instructions.

12 Q One way or another you were aware that they
13 knew about it and concurred in it?

14 A That they were aware, yes.

15 Q You know that definitely?

16 A Yes.

17 Q When Mr. Scott Long informed you on the
18 17th that a telegram had been received from Fisher and
19 that it would not be complied with, did he say then who
20 was attending to that matter or who would communicate with
21 anybody about it?

22 A Not that I recall.

23 Q Did you ever become aware of the fact that
24 there were subsequent communications involving Mr. Scott
25 Long or Mr. Al Key with the Miami office or with any-

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2 where else arising out of this demand for cancellation?

3 A I think it continues all through those
4 wires.

5 Q Were you privy to those conversations as
6 reflected in these wires, which you have just examined
7 a short time ago?

8 A Yes.

9 Q As discussions progressed in the firm,
10 then, were you to some extent aware of what progress
11 was being made on Mr. Fisher's demand for cancellation?

12 A Well, I knew how many we delivered out
13 and how many we hadn't.

14 MR. MC ALLISTER: No. You didn't listen
15 to the question.

16 Repeat the question.

17 (Question read.)

18 A I was just told that it was not cancelled.

19 Q Were you told this a number of times?

20 A No. As I remember, when the wire first
21 came.

22 Q You had no further discussions about it?

23 A About the cancellation? No.

24 Q After you were informed that the cancellation
25 would not be effected but that it had been requested,

1 there are several of these documents here -- and I am
2 referring in particular to Exhibits 81, 82, 83 and 84,
3 which are all Telexes from you to Mallett -- do you recall
4 what Mr. Mallett wanted, or why he had addressed the
5 communications to you and why he wanted you to answer
6 him?
7

8 A He wanted the stocks shipped in Street
9 name.

10 Q You were aware, were you not, that after
11 the instructions to ship in Street name, which seem to be
12 dated on or about the 14th of February, but prior to the
13 four Telexes that are in front of you now, the customer
14 had sent a telegram which did not request delivery in
15 Street name, but instead demanded cancellation of the
16 order?

17 A Yes, I knew it.

18 Q When you spoke to Mr. Mallett, is it your
19 testimony that Mr. Mallett still wanted delivery in
20 Street name?

21 A Yes.

22 Q Did Mr. Mallett say on whose instructions
23 he was requesting that?

24 A No.

25 Q Then Mr. Mallett didn't say to you that the

1 customer agreed with this procedure, did he?

2 A I am not at the level where he would be
3 telling me.

4 Q But he didn't? That is the point. He
5 didn't tell you.

6 A No.

7 Q As of February 26th and 27th, even February
8 21st, my recollection of your testimony is that you
9 knew then these were unregistered shares.

10 A No. It was knocked out on the 17th?

11 Q Yes.

12 A When I got them back, I don't know. I
13 may have known those were unregistered at that time,
14 but I didn't know it was for him particularly.

15 Q Taking a look at Exhibit 63 here, I would
16 like to note for you the fact that these sentences are
17 numbered first, second and third. Is that referring to
18 a chronology of events?

19 A Yes.

20 Q With respect to which particular certifi-
21 cates did this chronology take place?

22 A Any Bartep. Apparently Mallett asked me
23 why the delay and I gave him in order what had happened.

24 Q You at that time also knew, did you not,
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2 that the question of the delay in getting new certificates
3 for R&T had been resolved?

4 A Yes. We started to get them back before
5 that.

6 Q Hadn't you started getting them back about
7 a month before that?

8 A Just about.

9 Q In the meantime, is it not your testimony
10 that the only thing that was delaying transfer now was
11 restricted shares?

12 A He apparently asked me why the delay from
13 November to now in getting any stock.

14 Q That is not responsive. I would like to
15 sort of get back at the question here. At this time,
16 in late February, you knew the only thing that was holding
17 up the transfer was the restricted shares. Is that not
18 correct?

19 A No. We had that other four thousand in.

20 Q Which were a legal problem.

21 A Yes.

22 Q But there was no problem of unavailable
23 certificates in late February holding up transfer?

24 A Certainly. There is the problem of
25 restricted stock.

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2 Q I am talking about the problem of unavail-
3 able new certificates at R&T.

4 A No, they had the new certificates there.

5 Q So the causes for delay that were listed
6 by you in this Telex here had all been resolved by this
7 time?

8 A Right.

9 Q And the current causes at that time for
10 any delay were unregistered shares or a problem because
11 you had received a certificate that had a legal problem,
12 such as registration in a corporate name?

13 A Right.

14 Q And you didn't tell Mr. Mallett anything
15 about those problems which were the present problems
16 at that time for delay in transfer?

17 A No.

18 Q Do you know why?

19 A I just told you, the stock was still at
20 transfer with the agent the same day.

21 Q Which stock?

22 A Bartep.

23 Q You mean some Bartep, any old Bartep, was
24 in transfer?

25 A Right.

1
2 Q You didn't consider it relevant that some
3 Bartep was not transferable?

4 A Not particularly, as long as we had enough
5 stock.

6 Q Do you know if you had enough stock?

7 A With four thousand coming out, I would
8 have.

9 Q With the four thousand coming out, if you
10 transferred them in any way other than by keeping the
11 shares which you knew were unregistered, as your inven-
12 tory in stock, would you not have gotten into a short
13 position on Bartep by transferring out just your good
14 shares, including the four thousand shares?

15 MR. MC ALLISTER: Read the question back.

16 (Question read.)

17 MR. FOLEY: Strike the question.

18 THE SPECIAL MASTER: We will recess at
19 this point until two o'clock.

20 (Luncheon recess taken.)

21 EXAMINATION BY MR. FOLEY (continued):

22 Q Mr. Smythe, in the process of checking your
23 position and checking the number of shares that you had
24 out for transfer at various times in Bartep, did you
25 ever in considering your inventory decide whether or

Smythe

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2 not you should include in the shares that you have in the
3 house those shares which you knew had proper restriction
4 problems or registration problems?

5 A No, they wouldn't have been included as
6 good transfers; no.

7 Q When Al Key or Scott Long asked you
8 questions about the transfer position and the number of
9 shares in the house for purpose of making some particular
10 transaction, in calculating that number of shares that
11 you had in the house, would you exclude from that number
12 those shares which had been rejected by transfer agents and
13 those rejections not cleared up?

14 A No, they wouldn't be excluded, because they
15 wouldn't show the whole picture.

16 Q Would they be included?

17 A They would be included in the total count.

18 Q When one of these gentlemen asked you did
19 you have five thousand shares to ship in Street name to
20 the bank, or wherever you were going to ship them, in
21 calculating the number of shares you had, did that include
22 good ones and bad ones, ones that had registration problems,
23 ones that would transfer clearly, or any kind of shape or
24 form of stock you had in the house?

25 A Yes.

Smythe

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2 Q They were all mixed together, is that right?

3 A Not mixed together, but it would be
4 included in the total count. If they asked for five
5 thousand shares to ship, I would tell them I didn't have
6 that much in my name.

7 Q But if you told them how much you had in
8 your name, that would be good, bad or otherwise. If they
9 had no problems, they would be in there?

10 A No. If they were in our name, they would
11 be good.

12 Q When you were asked to look to see if you
13 had five thousand shares to ship in Street name, and when
14 you followed that by looking in your inventory records
15 to see how many you had, did you take any cognizance
16 whatsoever of the number of outstanding orders or claims
17 that were pending against those shares?

18 A No.

19 Q In other words, did you come to a net
20 figure of so many shares after every customer who had
21 shares in his account or pending to go into his account
22 was attended to?

23 A No.

24 Q In examining the inventory and finding two
25 thousand shares in there, is it conceivable that perhaps

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2 there were customers who had shares due to them in excess
3 of that two thousand?

4 A It is possible.

5 Q But you don't know?

6 A No.

7 Q And you didn't know then?

8 A No.

9 Q In examining this inventory with respect
10 to shares that are available, do you take into account
11 shares that are in transfer which you expect to get back
12 in house name, in Street name?

13 A Yes.

14 Q So the two thousand could be shares that
15 had actually been transferred or were in the process of
16 transfer?

17 A The two thousand were already in the box,
18 in our name. The balance were in transfer.

19 Q You had others in transfer?

20 A Yes.

21 Q Did you check at that time to see how many
22 were in transfer?

23 A Yes.

24 Q Did you check to see if any of them were
25 shares or certificates which had formerly been rejected

Smythe

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1 by the transfer agent?

2 A No, not that any of them had been rejected.
3 They hadn't gone back in to the agent.
4

5 MR. FOLEY: Off the record.

6 (Discussion off the record.)

7 MR. FOLEY: The question I asked Mr. McAllis-
8 ter whether or not any written record is made
9 other than the fail ticket when securities that
10 had been rejected by a transfer agent are returned
11 to the selling broker.

12 MR. MC ALLISTER: To my knowledge, no
13 other document is created at Harris, Upham's
14 office on a fail back to a selling broker other
15 than a they-fail ticket. We have searched for
16 those tickets and we have searched for any other
17 documentation regarding potential or supposed
18 rejections in February, 1969, and none exist.

19 MR. FOLEY: Do I understand you correctly
20 that because of this search you inquired as to
21 whether or not this practice was followed?

22 Off the record.

23 (Discussion off the record.)

24 Q I would like to show you again Plaintiff's
25 Exhibit 80 for identification, which is from Lobe to

Smythe

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1 Cowan, a Telex. The statement is on there: "Please wire
2 Bill Smythe. He knows the whole story on this stock."
3

4 Does that refresh your recollection as of that date you were
5 aware that this account number, 5025, which is Mr. Fisher,
6 was involved with, as the word was used in the deposition,
7 hounding Mr. Cowan day after day, originally for his
8 shares, and this time for his money and for a cancellation?

9 A At this time, what I was aware of was they
10 wanted the five thousand Bartep.

11 Q That is all?

12 A And that we didn't have the full five
13 thousand to give him.

14 Q And you knew nothing further than that,
15 that somebody wanted five thousand Bartep?

16 A Yes. I knew that he had already tried to
17 cancel it, as I said before. But the cancellation wasn't
18 accepted and they were looking for five thousand Bartep.

19 Q By "they" you mean who; the people in
20 Harris, Upham?

21 A Yes.

22 Q You knew at that time that this stock had
23 a registration problem?

24 MR. MC ALLISTER: That has been asked and
25 answered.

Q As a result of this did Cowan contact you?

A I don't think I had ever spoken to Cowan, or had a wire from him. It is possible, but I don't remember ever.

Q Did you ever tell Cowan or Mallett or anybody in the Mallett office that there was a registration problem at this time?

A Whether I ever told him there was a registration problem or not, I don't know.

Q Did you ever tell anybody?

A Certainly. Harris, Upham knew in New York.

Q Did Mr. Key know?

A Mr. Key knew.

MR. MC ALLISTER: Irrelevant.

Q Can you tell us when you told Mr. Key?

A I suppose when he first asked how we stood on Bartep.

Q I mean do you know? That is supposing it.

A I am not sure when I told him; whether I told him then or not.

Q But you did at some point, at approximately this time, in February?

A Probably in February.

Q How about Mr. Long; did you tell him?

A Yes, he would know.

Q Did you tell him?

A Yes, I believe I told him.

Q Was it at this time in February that you told him that there was a registration problem with the stock?

A Approximately, yes.

Q Did you tell what the registration problem was? Did you tell him it was unregistered stock?

A I didn't know it was unregistered stock at the time.

Q When did you find that out?

A Not until I talked to Abney.

MR. FOLEY: Off the record.

(Discussion off the record.)

Q Prior to talking to Abney, from the letters which had been returned from the Registrar & Transfer Company had you learned that there had been some kind of restriction on the stock?

A There was some kind of restriction.

Q The letter that was returned from the Registrar & Transfer Company, and I show you Exhibit 48, as a typical example, states that transfer cannot be complied with unless R&T is furnished with an opinion of

1 counsel setting forth the statutory reason to permit trans-
2 fer of the stock under the existing regulations of the
3 Securities Act of thirty-three as amended. Did that mean
4 anything to you in terms of the nature of the restriction
5 that was on this stock?
6

7 A That there is a restriction which they
8 needed the opinion of counsel.

9 Q Did they tell you whether or not the
10 restriction was in the nature of a registration problem?
11 By reason of the reference to the statute, does that tell
12 you the restriction was a registration problem?

13 MR. MC ALLISTER: I am not sure R&T is
14 going to be bound by his response, but I will
15 let him answer.

16 MR. FOLEY: It is what it means to him.

17 A No. All I can tell you is we had to get
18 the opinion of counsel from Abney. The Registrar &
19 Transfer Company couldn't give me the reason that it was
20 restricted.

21 Q You didn't read this as giving you a
22 reason there was a registration problem?

23 A A registration problem of some kind.

24 Q I am talking about restrictions now, a
25 particular type of restriction involving the registration

1 of the securities, whether the securities were registered
2 or not.

3 A It could be an investment letter stock,
4 it could be false stock; anything.

5 Q Exhibit 89 indicates that you were not
6 answering the Telexes that had been sent from Florida.
7 Is that true?

8 A I apparently hadn't answered him when he
9 sent this wire, but I think there is another one the same
10 date when I answered him.

11 MR. FOLEY: Off the record.

12 (Discussion off the record.)

13 Q Prior to that time had they been having
14 any difficulty communicating with you or getting informa-
15 tion from you?

16 A Not that I recollect.

17 Q This communication No. 89 was sent by
18 Mr. Mallett to Al Key. Were you and Mr. Key and
19 Mr. Mallett in more or less regular communication about
20 the development of this problem?

21 A Not regularly. If I got a wire, I tried
22 to answer it.

23 Q I would like to show you Exhibit No. 88
24 and ask you did you receive a request directly from
25

Mr. Mallett for this transfer, this shipment?

A No. It goes back to the original request to ship to the bank.

Q This once again is the request we had back there that was dated approximately or apparently February 14th?

A Yes.

Q At any time when you had these conversations or messages to deliver five thousand shares of Bartep, during the month of February again, were you aware of who the customer was to whom they were to be shipped?

A Yes.

Q Would it be fair to say that at all times you were involved in that request to ship five thousand shares you knew which customer that was?

A Yes.

Q When you finally sent a message which is marked Exhibit 87 here indicating you were shipping two thousand shares out of five, did you receive any response for that, or response to that?

A Not that I recall, unless you have a wire there.

MR. FOLEY: Off the record.

(Discussion off the record.)

Smythe

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2 Q At the time that you were doing this, did
3 you inform Mr. Key that you were shipping two of the five
4 thousand that you had been requested to ship?

5 A I probably informed him or Scott Long.

6 Q Can you give us the substance of that con-
7 versation, what you said to him and what he said to you?

8 MR. MC ALLISTER: Who is "he"?

9 MR. FOLEY: Either one, whoever he spoke
10 to.

11 A No. Just that I told them, one or both,
12 that I had two thousand in Street name that I was
13 shipping.

14 Q Were you instructed to try and get more?

15 A I presume it left three thousand open to
16 ship on the order.

17 Q The two thousand that were shipped, did any
18 of these involve the shares we discussed this morning
19 of the customer named Miller?

20 A I don't believe so.

21 Q I would like to show you Exhibit 91-B and
22 just ask you whether or not you were aware of any specific
23 instructions to follow up and make a delivery of the balance
24 of that shipment.

25 A No, I wasn't aware about this one.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

HAROLD FISHER, :

Plaintiff, :

-against- :

HARRIS, UPHAM & CO., INCORPORATED, :

Defendant. :

----- x

DEPOSITION of the Defendant, Harris,

Upham & Co., Incorporated, by Albert Lenoir Key,

taken by the Plaintiff, before John J. Galgay,

The Special Master, at 445 Park Avenue, New York,

New York, on April 17, 1972, commencing at

10:15 A. M.

BEFORE:

JOHN J. GALGAY,

The Special Master

APPEARANCES:

LIVINGSTON, LIVINGSTON & HARRIS, ESQS.

Attorneys for Plaintiff

292 Madison Avenue

New York, New York

KAPLAN, KILSHEIMER & FOLEY, ESQS.

122 East 42nd Street

New York, New York

by: DERMOT G. FOLEY, ESQ.

ALAN HARRIS, ESQ.

of Counsel

APPEARANCES (Continued):

GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
One Wall Street
New York, New York
by: MICHAEL J. McALLISTER, ESQ.
of Counsel

* * *

ALBERT LENOIR KEY, having been first
duly sworn, testified as follows:

EXAMINATION BY MR. FOLEY:

Q Mr. Key, are you employed by the defendant,
Harris, Upham?

A Yes, I am.

Q In what capacity?

A As a Vice-President.

Q For how long have you been employed by
the Company?

A Since '63.

Q In what department do you work now; what
area of the company?

A I am responsible for the administration of
a couple of branch offices. I am in charge of the
investment and management department, which I supervise,
and the over-the-counter department, which I supervise.

Key

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2 Q How long have you worked in the over-the-
3 counter department?

4 A I think I took on the duties there in
5 about 1966 or early '67.

6 Q Prior to taking over those duties, but
7 after the time you came with the company, did you work
8 at all in the OTC department?

9 A No.

10 Q Prior to working for Harris, Upham, prior
11 to starting there in 1963, had you prior experience in
12 the securities industry?

13 A Yes.

14 Q Will you outline that?

15 A I was with the odd lot firm of DeCoppet &
16 Doremus from '55 to '63, about eight years. Prior to
17 that I was --

18 Q As you go from firm to firm, maybe you
19 can give an outline of what you did, particularly what
20 you did in terms of the over-the-counter department.

21 A I did nothing with the over-the-counter
22 department when I was with the odd lot firms at all.
23 I had nothing to do with odd lot. I mean I had nothing
24 to do with over-the-counter trading at all when I was
25 with the odd lots.

* * *

again, I saw that as a result of my talk with Mr. McAllister. But the Fort Lauderdale thing -- is this what you are talking about?

Q We are talking about various activities. I am not striving at any one. I am striving for information, rather than trying to go in one direction. By the Fort Lauderdale thing, can you say what you are referring to there?

A I think it is that one thousand share pair-off, as I recall, the thousand share cross in the Lauderdale office we turned down, or that we wouldn't trade in.

MR. FOLEY: Off the record.

(Discussion off the record.)

Q Have you had occasion in preparation for your testimony today to look over the documentation on this pair-off you are talking about?

A Yes.

Q I know Exhibits 117 and 118 are time-stamped for February 4, 1969.

A That's your answer, then.

Q Right. Do you know whether prior to that you had any contact with Bartep?

A Again, maybe you can refresh my memory.

Q No.

A I don't, honestly. I would like to help you more.

Q At this particular time, what happened to this pair-off?

A As I recall, we did not do it.

Q Were you involved in that personally, in the decision not to do it?

A I believe I was.

Q Can you tell us why you did not do it?
I will strike the question.

By saying you did not do it, do you mean that you refused to execute the trade, or the pair-off?

A I don't know that we refused to do it. I am not sure there was a market in it.

Q For a pair-off?

A Yes. I don't think there was any market at all. You have to have one for a pair-off. We just don't trade out of the blue.

Q If you have two customers who express a desire to trade shares, one to buy and one to sell, and at the same price, you wouldn't do it?

A We don't do that.

Q You wouldn't?

Key

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2 A No, I don't think so, because that opens
3 yourself to problems. Suppose the buyer has more informa-
4 tion than the seller? The seller could get screwed. You
5 look for a trade in the market. That is the normally
6 accepted method. You don't just sort of say, well, as
7 long as both of them agree, it is O.K., because you could
8 come up with some prices that would be unfair to either
9 one side or the other.

10 Q Even if they specify the price?

11 A Yes, so far as we are concerned. We don't
12 want to get in the middle of a trade like that.

13 Q At that particular time do you recall how you
14 ascertained whether or not there was a market?

15 A As I recall, my over-the-counter department
16 looked around. I mean this is the procedure they used.
17 In this particular instance I can't tell you exactly
18 that they did this, but the usual procedure in a thing
19 of this sort is to determine if there is a market.

20 Q Can you state now whether or not they in-
21 formed you that there was no market?

22 A Well, it depends. As of that time I couldn't
23 tell you. I mean if you ask me now, I mean if you ask
24 me do I specifically remember that instance, I would have
25 to say no. But I would assume they checked their markets

Key

19

and came back with no market. There weren't any markets.

Q You don't know; you are just assuming this?

A I guess I would have to assume it to be fair. But I know that our usual procedure is to determine if there is a market in the security before we do any local trade, for any pair-offs.

Q Were there any particular broker dealers at that time in February of 1969 with whom you wouldn't do a trade?

A I don't think we ever listed any outfit we would not trade with specifically, or that we had a list to that effect.

Q Did you have any particular problem in mind about Bartep, apart from just the coincidence that nobody happened to be quoting it at this time?

A Again, I know the circumstances surrounding this thing. But again, I would have to tell you that chronologically I am still confused as to how much I knew at a particular time.

Q Let's get back to this. In other words, I am asking you now, at the time you execute trades of pair-offs, did you have any particular problem with Bartep, apart from what you testified to, that there was information received by you from your OTC department that there

1
2 was no market?

3 MR. MC ALLISTER: This is on February 4?

4 MR. FOLEY: I am talking about early
5 February.

6 A You mean did I have any information prior?

7 Q Did you have any information with respect
8 to that?

9 A I could have, yes.

10 Q Do you know whether you did or not?

11 A I don't know whether I did or not. But
12 again, maybe you have something that will tell me that I
13 did.

14 Q Tell me, by whom was the decision made not
15 to execute the pair-off?

16 A By me, I would say.

17 Q Do you know?

18 A Well, yes, it must have been me.

19 Q Nobody else would have authority to make
20 that decision; is that the substance of your testimony?

21 A I think anybody who wanted to make it his
22 business in a position of authority in the firm could
23 have. But generally speaking, this is my area of responsi-
24 bility. I can say yes or no.

25 Q Would anybody else have that authority?

1
2 A Yes.

3 MR. MC ALLISTER: In February of 1969.

4 MR. FOLEY: Yes.

5 Q Who?

6 A I imagine the supervising officer might
7 have something to say about it, but I would have the
8 last word.

9 Q The supervising officer of OTC?

10 A No; of the branch office, where this took
11 place.

12 Q After he would say this, you would have the
13 last word? In other words, would his decision come to
14 you for ratification?

15 A Yes, but I would listen to what he had to
16 say.

17 Q But you would be informed if anybody else
18 had made a decision to reject a trade or pair-off?

19 A Yes, in the course of normal business I
20 certainly would expect it. I would find out who gave an
21 O.K. to something like that.

22 Q How about if somebody refused to execute
23 a pair-off? Would that also come to your attention?

24 A Yes.

25 Q Do you recall any problem at that time in

1
2 dealing with other broker dealers who were making a
3 market?

4 A I don't deal with the broker dealers. The
5 over-the-counter department does.

6 Q But I am just asking still, do you recall
7 any problems with respect to any of them?

8 A No, I don't.

9 Q If a decision were made in Harris, Upham
10 to refuse to execute trades with any particular broker
11 dealer because of any given problem that may arise, who
12 would make that decision, do you know?

13 A Some times the over-the-counter department
14 does itself. If they don't like a house, they won't do
15 business with it. You know, with respect to the individuals
16 in there, there are the good guys and the bad guys. With
17 the bad guys, they don't get in touch with them.

18 Q Is this a personal decision the individual
19 makes in the company, then?

20 A No. I think it is a personal decision,
21 an individual's decision, insofar as over-the-counter
22 department is concerned.

23 Q Are you referring to a particular trader or
24 clerk that executes trades on the telephone with the
25 companies?

1
2 A Yes. I might also have feelings as to
3 whether you could trade with a firm or not. There are the
4 good ones and the bad ones.

5 Q Talking about again about February of 1969,
6 do you recall ever receiving information that there were
7 one or more houses making a market in Bartep, but they
8 were houses with which you would not do business?

9 A Yes.

10 Q Do you recall anything about that?

11 A Yes. There was Wesco.

12 Q What is the story with Wesco?

13 A I would argue with you whether they would
14 make a market.

15 Q Don't argue with me. Just tell me.

16 A I wouldn't argue the point, I mean, whether
17 they made a market in the first place.

18 Q What were the facts? Tell us what the
19 problem was.

20 A All I can tell you is that Wesco was not,
21 as I recall, a good firm with whom one could do business,
22 and I can't say anything more, because I have thought on
23 this point. I have a vague recollection we had a problem
24 with them somewhere else in the distant past, which I
25 cannot determine. But as I recall, I was told that Wesco

1
2 had a lousy reputation and I didn't want to do business
3 with them. At least this is what was told to me by the
4 over-the-counter department. I had no direct dealings
5 with Wesco myself.

6 Q Would you just normally take their word for
7 it, that their reputation was such and so, or would you
8 ask for some verification about that?

9 A I don't recall that I did ask for verifica-
10 tion.

11 Q What would your normal practice be in a situa-
12 tion like that?

13 A If we didn't want to deal with a company?

14 Q No. If somebody in the over-the-counter
15 department tells you some particular broker dealer has
16 a bad reputation, would you just stop there and say very
17 well, that is all I need to know, or would you ask for
18 more?

19 A I wouldn't go to anybody else, I think.
20 I would take my head of the over-the-counter department's
21 say-so.

22 Q Would you ask him what is the problem with
23 the company?

24 A Yes, sure.

25 Q Do you recall doing that in this instance?

1
2 A I do not.

3 Q Do you know who made a decision not to deal
4 with Wesco?

5 A Again, I think you asked that before, and
6 I think I said I would be the guy who would be responsible
7 for the decision, and that is true. But if I can speci-
8 fically remember that I said absolutely no to Wesco, you
9 know, I couldn't say positively. I don't know what else I
10 can say.

11 Q At this particular time, then, was the
12 problem Bartep or Wesco, or both?

13 MR. MC ALLISTER: I am going to make one
14 comment on the record.

15 MR. FOLEY: I don't care for comments on
16 the record.

17 MR. MC ALLISTER: You are misconstruing the
18 record, and that is why, because there is no
19 refusal to trade with Wesco in the record here.

20 THE SPECIAL MASTER: Why don't you object
21 to the line of questioning rather than get into a
22 discussion?

23 MR. MC ALLISTER: I object to the form of
24 the line of questioning, because there is implicit
25 in his questions that there was a refusal to trade

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2 with Wesco. There is no record here, to my know-
3 ledge, that there was a refusal to trade with
4 Wesco.

5 THE SPECIAL MASTER: You are objecting and
6 you are putting into the objection the complete
7 statement.

8 MR. FOLEY: This is what I don't like.
9 While we are on the record, I am going to make
10 a statement about that. I hate to be abrasive,
11 but I must say that I do not recall ever a series
12 of depositions in a case in my life where there
13 was quite so much of that before. I really feel
14 not just an objection or a comment relating to
15 this particular event now, but this has been
16 characteristic of the case, and I think it is some-
17 thing that ought to be avoided at all costs.

18 THE SPECIAL MASTER: If you will shorten
19 your colloquy, let's all get back on line. If you
20 have an objection to state, state the objection
21 and the grounds with the minimum amount of
22 colloquy. That will cut down the expense of the
23 record as well as the abrasiveness referred to.

24 MR. MC ALLISTER: I have an objection
25 pending, I believe.

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MR. FOLEY: We have a standing question.

(Question read: "Q At this particular time, then, was the problem Bartep or Wesco, or both?")

THE SPECIAL MASTER: I will allow the question.

A It must have been both.

Q If I may in the form of a question just say something here, "must" in a sense is not responsive. If you don't know, you don't know. If you do know, you do know. When you get must and maybe and perhaps -- this is not criticism -- and you read it later on in a record like this, it is not very helpful, and you know I am looking for something helpful.

A Again, I really am trying to be helpful. I am not trying to avoid these things you ask me. But if I can specifically remember these instances, then I will say I specifically remember them.

MR. MC ALLISTER: What he is saying to you is if you can't specifically recall, say so.

Q Say so.

A I can't specifically recall.

Q Do I take it from your answer that you have an impression there was some kind of difficulty both with

1
2 respect to Wesco and Bartep in the beginning of February
3 of 1969?

4 A Yes.

5 Q And do I also understand it to be your
6 impression that as regards Bartep, the only difficulty
7 you had at that point was the unavailability of a market?

8 A Yes, the unavailability of a market would
9 have been a very good reason for turning that order down.

10 Q Is it your recollection that this in fact
11 was the only problem you had with Bartep? If you have
12 any others, tell us about it.

13 A I don't have a recollection that that was
14 the only reason, no. That would have been the reason.

15 Q Do you know if there was any other problem?

16 A Of course there are other problems, but
17 chronologically, where do they fit in?

18 Q In early February, prior to the cancellation
19 by Fisher, and I am thinking of the dates February 4th,
20 5th, 6th and 7th of 1969, do you know of any other problem
21 with Bartep, other than the fact that apparently there
22 was no market available?

23 A I can't honestly say that I do know.

24 Q Have you ever personally checked the pink
25 sheets to see what the status of Bartep was for that

1
2 period of time?

3 A I have not, no.

4 Q You don't know, then, if there were any
5 other broker dealers?

6 A I thought you meant did I check in the
7 last couple of days.

8 Q No. Did you check during that period of
9 time to see if anybody else was making a market?

10 A No.

11 Q Do you quite often check the pink sheets?

12 A Quite often. I have a set in my office.

13 Q You keep the daily sheets, I take it;
14 is that right? You don't keep back issues?

15 A I keep a set for about a week and then get
16 a new one. I don't need fresh quotes. I just keep it
17 for reference.

18 MR. FOLEY: Off the record.

19 (Discussion off the record.)

20 Q I would like to show you some exhibits here.
21 We have Exhibit 63, 64 and 61. Viewing these, together
22 with that pair-off order I showed you a few minutes ago --

23 MR. MC ALLISTER: I don't believe you showed
24 it to him, Mr. Foley.

25 Q Do you have a recollection now of these par-

1
2 ticular transactions -- which incidentally reflect that
3 between the period of February 4, 1969 and February 7,
4 1969 you turned down at least three trades and one pair-
5 off; is that correct?

6 A I see two here.

7 Q I gave you another one.

8 MR. MC ALLISTER: I will object to the
9 form of the question.

10 Repeat the question, please.

11 (Question read.)

12 A Three trades and one pair-off. I see the
13 pair-off here.

14 Q Do you see these three exhibits here --
15 61, 63 and 64? They are different dates, are they not?

16 A These would go with this, wouldn't they?

17 Q Would they?

18 MR. MC ALLISTER: There is a date on the
19 exhibits. That might refresh your recollection.

20 A February 6 and 7th. What is the date here?

21 Q February 4th.

22 A You are saying that these are separate trades
23 from these?

24 Q I am not. I am asking you.

25 THE SPECIAL MASTER: The question is do you

Key

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1
2 have a recollection of those trades, having seen
3 these documents.

4 Q Do you have a recollection?

5 A I would say I have a recollection of these
6 two here, of the pair-off. I don't have a recollection
7 of any more.

8 Q Do you see here you have Exhibits 61 and
9 63?

10 A Yes.

11 Q Do you know what the dates are on there?

12 A Yes.

13 Q Both refer to orders entered that day,
14 right?

15 A They could have.

16 Q Don't they on their face?

17 A It doesn't even say there is an order.

18 Q Do you see this?

19 A "Entered today." Right.

20 Q "Turning down the orders entered today" on
21 both of them. Right?

22 A Yes.

23 Q That is why I am saying I am referring to
24 different ones there.

25 A I see, yes.

1
2 Q Do you have any recollection of these
3 transactions, of these at all?

4 A No. I have a recollection of these, the
5 pair-off.

6 Q But the others you don't have a recollection
7 of?

8 A No. I think they are the same thing.

9 Q Is that your handwriting on No. 63?

10 A Yes, it is.

11 Q How about on No. 64; is that your handwriting,
12 also?

13 A Yes.

14 Q And on No. 61, which is the Telex, did you
15 send that?

16 A I have no recollection. I send these out
17 across. The secretary from my office takes them out
18 and deposits them.

19 Q How about 61, the Telex? Is this from you
20 to somebody?

21 A It looks like from me to Bob Mallett --
22 R.M.

23 Q Can you tell us on No. 61, after stating
24 there is no market here or elsewhere, do you have any-
25 thing new on it, what does that refer to? What was the

1
2 dialogue between you and Mallett at that point?

3 A I honestly can't recall. But he must have
4 been -- again, I don't want to surmise; but he must have
5 been in touch with me on it, or he must have been talking
6 to me about it. I don't even recall having put that on
7 there. Maybe I did, too.

8 Q On No. 64, the statement is there, "We do
9 not wish to trade this stock even if Wesco is making a
10 market."

11 A Yes.

12 Q Does that refresh your recollection at
13 all as to whether or not you were having a particular
14 problem with this stock at this time, apart from the
15 market question?

16 A I would say we must have been having trouble
17 with it.

18 Q An additional problem over and above the
19 question of availability of a market?

20 A That's difficult to say. We were having
21 difficulty with the market, I know that. If I can
22 establish these things chronologically for myself and
23 for you, maybe we would have the answer. But I don't
24 seem to be able to. I can't say for sure, you know, that
25 we were aware of other problems as well. We were aware

1
2 of the fact that there was no market in it, and we
3 were aware of the fact that we don't like to cross trade
4 in branch offices, anyway, or cross trades particularly
5 if there is no market, a wash trade.

6 Q Is there a rule in the company against
7 pair-offs?

8 A Well, I think there is a rule against wash
9 trades.

10 Q There is?

11 A Yes. We don't allow wash trades.

12 Q Would you define a wash trade?

13 A Well, I am not an expert, but I will try
14 and give you a definition. It is somebody who makes a
15 trade usually to establish a tax loss, or a tax gain,
16 but which is not one that would stand up if the IRS got
17 into the picture. In other words, he sells it to his
18 wife and then takes it back. That would be a wash trade.

19 Q Can you tell us what that had to do with the
20 trade between Padula and Miller here that is reflected
21 on Exhibits 117 and 118?

22 A Well, they could have been in cahoots for
23 all I know.

24 Q Did you know?

25 A I don't know.

Key

35

1
2 Q Do you normally assume they are, when you
3 get that type of pair-off?

4 A I don't assume anything, no. I would think
5 there would be a possibility of a wash trade.

6 Q What would you do when that suspicion comes
7 into your mind?

8 A I wouldn't allow it.

9 Q Just the fact that it could exist, the
10 possibility would be enough to make you turn down the
11 trade?

12 A Yes.

13 Q Is that always the trade? Is this your
14 regular practice?

15 A No, I don't think it is a regular practice.
16 But any place where it looks to me there is a pair-off
17 in the branch office, where there is a pair-off in the
18 branch office and there could be a wash trade, we don't
19 like to do it.

20 Q What I am asking you, Mr. Key, is this.
21 Is there a rule?

22 A I don't believe so.

23 Q I mean is there a practice that would be
24 followed always?

25 A You mean would I check this to see if there

1
2 would be a wash trade?

3 Q Let's assume in come two orders. One
4 fellow wants to sell one thousand shares and another
5 fellow wants to buy one thousand shares of the same stock,
6 and they are at the same price and everything is agree-
7 able. I understand under those circumstances the normal
8 procedures followed in Harris, Upham would be they
9 would not execute that trade that way and would not
10 execute it at all, unless they could go out and find
11 an outside market and would not pair-off a trade.

12 A I think that would be our policy. Inci-
13 dentally, the word "pair-off" is not one that is generally
14 used in the business. Pair-off denotes that two people
15 are getting together and pairing off a trade. A cross
16 would be a better term. I think cross is a better word
17 than pair-off.

18 Q The definition of what we are talking about
19 is more important, I think, than the words we use. The
20 point now is if two customers are anxious to engage in a
21 trade and one of them wants to buy and one of them wants
22 to sell, that is the situation I am talking about, and I
23 am not necessarily talking about the fact that the prices
24 would be totally in line. Even if they would be a little
25 bit different, it still would be a situation that Harris,

1
2 Upham as a matter of regular practice would say no, we
3 will not engage in that business. Is that correct?

4 A Well, it is a gray area, because suppose
5 you are crossing a bank stock locally.

6 Q Let's leave it with two individual citizens,
7 customers.

8 A There are all kinds of people.

9 Q People like Miller and Padula here.

10 A Miller and Padula, I wasn't concerned with
11 them. I was concerned with the fact that there wasn't
12 any market in the stock.

13 Q The kind of people they are had no relation
14 at all to the decision you made, then; is that correct?

15 A They were customers.

16 Q But the fact they were people or banks or
17 somebody or one person or another wasn't what determined
18 the issue at all?

19 A No. But if you were dealing with a crook,
20 maybe you would be more careful than in dealing with a
21 bank.

22 Q Were you aware at any time in dealing with
23 a crook?

24 A No.

25 Q Then crooks don't count. We are not talking

1
2 about crooks. In making a decision such as this, it is
3 with people who I take it are presumed to be normal,
4 honest citizens?

5 A Yes.

6 Q Individual citizens, trading in their own
7 account?

8 A Yes.

9 Q Then is it the rule under those circum-
10 stances, when there are two customers and one wishes to
11 buy and one wishes to sell, the same number of shares,
12 same price, and Harris, Upham receiving the orders from
13 two of them, not to receive that as a cross or pair-off,
14 but rather go into the open market and find another buyer
15 and seller?

16 A No.

17 Q That is not true?

18 A No.

19 Q Then perhaps you can tell us what would be
20 done in the open market.

21 A What would be done there would be, if there
22 was a market in the stock, let's say it was 14-15, we
23 could go outside and determine that the outside market
24 is 14-15, and then we would allow these guys to cross it,
25 at say 14-1/2, which would be a price fair to both of

1
2 them, and then we would act as agent on the transaction.
3 But what we don't want to do is to have no market and
4 they set the value themselves. If they want to do that,
5 they can do it outside the firm, I guess. Another thing
6 we wouldn't do would be to not check the outside market
7 and let them exchange the stock, with us as agent, at
8 any price they wanted to.

9 Q In other words, the reason for the outside
10 market is to verify --

11 A To verify the market, and then we would
12 trade within that market at what we hope and would consider
13 a fair price to the buyer and seller.

14 MR. FOLEY: Off the record.

15 (Discussion off the record.)

16 Q In going out to the market to determine
17 whether or not a market exists for the shares, does the
18 status in the minds of your traders of the standing of
19 the various people making the market come into play
20 when you are deciding whether or not to execute one of
21 these cross transactions, such as that indicated on
22 Exhibits 117 and 118?

23 A Oh, yes. If we don't think a firm is making
24 a good market in the stock or is making a market in the
25 stock, then we wouldn't do it.

1
2 Q Can you tell me what is your recollection
3 of what kind of trouble existed with Wesco? I think I
4 may have asked you questions close to this before.

5 A I don't recall. I told you earlier I have
6 a vague recollection we had a problem with them before. I
7 think Wesco enjoyed a lousy reputation, as far as anybody
8 was concerned. So we just did not do business with them.

9 Q If you are going out in the case of one of
10 these cross trades we have been discussing here to check
11 a market, would you take any cognizance of a market being
12 made by Wesco, deciding whether or not to execute the
13 cross trade?

14 A Yes, certainly we would look to see whether they
15 made a market.

16 Q The fact that it was Wesco making the
17 market would not deter you, then, from assuming that this
18 is the market and going ahead and executing the trade?

19 A No, not necessarily. We may say we don't
20 think Wesco is making a market in it, or a decent market
21 in it. So we wouldn't trust the stock.

22 Q In addition to looking at what the market
23 is, you evaluate the market in some way?

24 A We evaluate the market in the stock, yes.

25 Q What determines, honesty?

1
2 A Honesty, I would say, yes, reputation.

3 Q What would you be afraid of; somebody
4 manipulating?

5 A Yes. That would be one very good reason.

6 Q In doing that, do you rely on any information
7 or rumors you may have heard about as to who may be man-
8 ipulating?

9 A I don't like to rely on rumors for any-
10 thing. But if I have information or if I had some know-
11 ledge of a house being a lousy one and having a bad
12 reputation, then I wouldn't trade with that house.

13 Q Do you mean a bad reputation in any respect
14 at all, like paying their bills or something like that?

15 A Yes, paying their bills, being in business
16 one week and out the next, you know.

17 Q Do you recall anything about Wesco now that
18 would indicate to you the fact that their making a market
19 would be questionable, whether or not they were manipulating?

20 A I cannot recall any specifics regarding
21 Wesco, but I can recall they did not enjoy a good reputa-
22 tion.

23 Q Did they have a reputation for being in-
24 volved in manipulations?

25 A I can't specifically remember that. But I

1 would assume that was certainly one of the factors.
2 Again, maybe I shouldn't assume. But it certainly would be
3 one of the factors we would look at, yes. We would look
4 for that or we would look for the fact whether they paid
5 their bills or whether they moved their offices. I think
6 generally speaking, over-the-counter houses who reside in
7 areas outside of -- I mean, there are good over-the-
8 counter houses in places like Chicago and California.
9 But when you see them cropping up in places like Miami
10 or Red Bank, New Jersey, you begin to wonder about them.
11 I think that would be one of the things which I always
12 look for when we are dealing with over-the-counter houses.
13

14 Q In terms of the reputation or character of
15 these various out-of-town houses you are talking about,
16 are you familiar with the firm of I. J. Shenin?

17 A Again, I was not. I was reminded of it when
18 I talked to Mike the other day again. But it did not
19 actually ring a bell with me. Wasco did.

20 Q Having been reminded of it now, tell me, on
21 the basis of the method of operation that you employed
22 back at this time in early 1969, late 1968, would you have
23 done business with Shenin?

24 A Possibly.

25 Q Do you know?

1
2 A I don't know.

3 Q How about Lockwood?

4 A Lockwood Peck? Lockwood Securities?

5 Q Lockwood & Co.

6 A Yes, I am familiar with that firm, but not
7 in this connection. It seems to me I see their names
8 more often. Again, I would check with my over-the-counter
9 department as to whether they thought they were a good
10 firm or not.

11 Q Would you say that would be the case in
12 both of these -- Shenin and Lockwood?

13 A Sure.

14 Q Looking again at Exhibit 61, do you know
15 whether you received any communication other than an
16 order that led to this Telex being sent by you?

17 A No.

18 MR. FOLEY: Mr. McAllister, have we found
19 those orders yet?

20 MR. MCALLISTER: The only way I can tell you
21 that is by looking at the unfilled orders I gave
22 you from Florida, out of the Miami branch office.
23 I don't have copies of those documents, and only
24 if the dates are the same. In other words, the
25 unfilled order and the date on Exhibit 61, if they

1
2 happen to coincide.

3 MR. FOLEY: Off the record.

4 (Discussion off the record.)

5 MR. MC ALLISTER: I believe 62 is the
6 document that created the response which is found
7 in Exhibit 61.

8 Q On Exhibit 61, you will note the statement
9 at the end of that message, "Do you have anything new on
10 it?" Have you found any of the communications or other
11 indications that were referred to with respect to any
12 prior discussions you had or what you are talking about
13 when you say have you found anything new on this matter?

14 A No.

15 Q Do you know whether in fact you had any
16 discussions with Mr. Mallett about Bartep prior to that?

17 A Again, I can't say for sure.

18 Q Would you look at the back of Exhibit 64?
19 Do you know Mr. Simpson, whose name appears at the top
20 of that page?

21 A I know several Simpsons. Let me put it
22 that way. I know Mr. Simpson at Lauderdale, yes.

23 Q Do you recognize the phone number 626-1648?

24 A New York City. I really don't.

25 Q How about this company, Mab Construction

1
2 Company?

3 A Yes. I can explain that. This I do have
4 recollection of. It is not Mab. It is the Nab Construc-
5 tion Company, and it is in Long Island City. Simpson
6 is another guy. It is not the Jim Simpson in Lauderdale.
7 It is a guy called Ed Simpson. I think these are his
8 telephone numbers. You can check those out. I am the
9 President of a skating club in Long Island and Simpson
10 is constructing a rink for us and the name of one of his
11 firms is the Nab Construction Company.

12 Q In other words, this is purely personal?

13 A Purely personal, right.

14 Q Can you tell us after this series of
15 communications from February 4 through February 7 what
16 was done with those orders? Were they returned to the
17 branch office, executed, cancelled, or what?

18 A You mean these orders here (indicating)?

19 Q Yes.

20 A We turned them down. So I imagine they
21 would have gone back.

22 THE SPECIAL MASTER: You might identify
23 those by exhibit number.

24 MR. MC ALLISTER: 117 and 118.

25 Q Do you have any recollection of how long

Key

46

1
2 this situation continued during which there was an unavail-
3 able market for Bartep?

4 A No, I don't, except that there was no
5 market available at the time.

6 Q After Mr. Fisher made his purchase in October
7 of 1968, can you tell us whether or not during the
8 balance of 1968 or in January of 1969 you became aware of
9 that order or of any problems in relation to it?

10 A I can't say, no.

11 Q During this period of time did you ever
12 become aware of any delay in effecting transfer of Bartep
13 securities?

14 A What period are you talking about?

15 Q I am talking once again from October of '68
16 through the end of January of '69.

17 A I don't think so. I don't believe I did.

18 Q Do you know Mr. Bill Smythe?

19 A Yes.

20 Q Did he ever draw to your attention during
21 that period, from late October through the end of January,
22 late October of '68 to late January of '69, any delay or
23 difficulty he was encountering in effecting a transfer
24 of Bartep shares?

25 A I can't remember, first of all. But in the

1
2 75 and 76. Looking at No. 76, you will note that it is
3 early in the morning, 9:45.

4 A Yes.

5 Q Can you relate that to any former one or
6 what you were responding to?

7 A No.

8 Q Do you recall now receiving information
9 about Mr. Fisher's desire to cancel?

10 A I can't specifically recall it, but I would
11 assume that this was about the time.

12 Q You heard about it some time?

13 A Sure I did.

14 Q For your information, my best recollection
15 is that these do not refer to each other. 76 preceded
16 receipt of the telegram from Fisher. I just didn't want
17 to mislead you on that.

18 A You mean this one came first (indicating)?

19 Q Yes. The other one doesn't have a time-
20 stamp on it. I was going to ask you when you sent it
21 out, if you can tell us.

22 A No, I couldn't tell you.

23 Q Going back to this question of the restric-
24 tions that you found on that stock, I would like to
25 show you a few exhibits and see if they refresh your

1
2 recollection. We are looking now at Exhibits 39, 43 and
3 48. When you were looking through the records which led
4 you to question these Bartep securities, do you recall
5 seeing these?

6 A No.

7 Q Do you recall speaking with anybody else
8 about it?

9 A About what?

10 Q About the problem you found on the shares,
11 such as Scott Long or Bill Smythe or anybody else?

12 A Are you talking about anybody else?

13 Q Anybody at all.

14 A Well, I think I spoke to -- I can remember
15 speaking to Scott Long about it.

16 Q Can you tell us what the substance of that
17 conversation was, not verbatim; what he said to you and
18 what you said to him?

19 MR. MC ALLISTER: Can we have a time on it?

20 MR. FOLEY: It is up to him. Whenever it
21 was.

22 THE SPECIAL MASTER: Do the best you can in
23 fixing a date as to the conversation.

24 A I would say it was subsequent to -- well,
25 it says here, "We have received wire from customer asking

1
2 us to cancel his purchase."

3 MR. MC ALLISTER: Referring to what?

4 MR. FOLEY: To 75.

5 A I would say about that time or subsequent
6 to that I would talk to Scott Long.

7 Q The prior Telex on which you made your
8 notations indicating a problem existed is dated February
9 14th, No. 70-B.

10 A I could have written that at any time.

11 Q The point of the matter is we are trying
12 to pin out when you did in relation to when you received
13 the information about the customer's desire to cancel.

14 A I can't help you on that point. This is
15 probably what I acted on with Scott Long.

16 THE SPECIAL MASTER: He is referring to
17 75.

18 Q I asked you awhile ago, though, did you
19 have any discussion with anybody about the information
20 that you have noted in the right-hand corner of Exhibit
21 70-B.

22 A I have no recollection. All I can do is
23 assume, and I really don't want to do that.

24 Q You say you had a conversation, however,
25 with Scott Long, but that was not with relation to this

1
2 problem, but rather with the --

3 A I don't know. You asked me who I would go
4 to if I had information like this.

5 Q That was another question. I am asking
6 you now the question where the name Scott Long came up
7 a little while ago.

8 A You asked me about the letter stock, if I
9 had a problem with it, and I said I would go to Scott
10 Long, as I remember.

11 Q Let's recap the thing. I am asking you now,
12 in relation to the information contained on the annotations
13 that you have made on 70-B, did you have any discussion
14 with Scott Long or anybody else about this particular
15 problem?

16 A When?

17 Q At any time after you received this informa-
18 tion.

19 A I would say I don't remember. I can't.
20 All I can do is look at these things and surmise. The
21 only time I could have talked to Scott would be after we
22 received this thing here.

23 Q Can you tell me, then, why do you assume
24 that you would not talk to him until after you received
25 that, even though you may have received the other informa-

1
2 tion which is annotated on 70-B?

3 A I could have gone to him here, I could have
4 gone to him here. That's as much as I can establish.
5 I don't remember.

6 Q Is your testimony this, that regardless of
7 when you made these annotations on 70-B, you didn't talk
8 to Scott Long about it until after receiving the cancella-
9 tion order?

10 A I just don't know, but I don't want you to
11 assume that I did.

12 Q I am trying to verify this. I am trying to
13 pin this down.

14 A No, I can't pin it down myself, I am sure,
15 so it would be satisfactory to you.

16 Q Is there every bit as much possibility,
17 then, that you had a discussion with Scott Long about the
18 material noted on 70-B in your handwriting prior to
19 receiving the cancellation on February 17?

20 A I have no recollection of that.

21 Q It could be either way, is that it?

22 A It could be. I have no recollection of
23 that.

24 Q How did you first receive information of
25 the desire of Mr. Fisher to cancel; from whom?

1
2 A Again, I don't know. I can't fix the time
3 chronologically in my own mind.

4 Q Don't worry about the time. Worry about
5 the method of communication. Did you get a telegram, phone
6 call, or what?

7 A I got nothing from Mr. Fisher myself.

8 Q Did somebody tell you about it?

9 A Somebody must have, yes. But who, I don't
10 know. It could have been Mallett, it could have been
11 Smythe, it could have been anybody.

12 MR. FOLEY: Could we take five minutes,
13 if I may?

14 THE SPECIAL MASTER: Yes. Off the record.

15 (Discussion off the record.)

16 THE SPECIAL MASTER: We will recess for
17 lunch now until 1:30.

18 (Luncheon recess taken.)

19 EXAMINATION BY MR. FOLEY continued:

20 Q Mr. Key, have you been aware that this
21 litigation has been underway since the summer of 1969?
22 I am not asking you are you aware now. Have you been
23 aware since its inception in the summer of '69?

24 A I was aware we had trouble with it, but I
25 didn't know there was actually a suit going on.

were with and whom you were talking with at the time the decision was made not to permit cancellation?

A I think I was speaking to Scott Long.

Q Can you describe the conversation? What did you say to him and what did he say to you?

A I don't have a clear recollection of it, but I do remember that here was a guy who had bought stock three or four months before and he wanted to cancel his trade.

Q This was discussed?

A Yes, with Scott Long; and it was my decision, you know, I am not going to cancel a trade three or four months old.

Q At that time did you know the transfer status of the securities that were purchased to execute Mr. Fisher's order?

A I can't honestly say. No, I do not have a clear recollection of that.

Q Would you make a decision like that without ascertaining whether there was a transfer of shares?

A It's a matter of when the trade was made. Here is a guy where the trade was three months old and he wants to cancel. I'd say no to that.

Q So that I can be sure I understand you now,

* * *

with him at the time you made this decision not to permit cancellation as requested by the customer.

A As I recall, the main thing was that the guy had bought it three or four months ago and we didn't feel he had any reason to renege on this trade.

Q I am pursuing the point of whether or not you had any discussion in the process of reaching this decision not to permit cancellation, whether you had any discussion of any obligation you may have had to your customer.

A I cannot recall if I did.

Q Do you recall making any inquiry to get factual information with respect to this transaction that would be of assistance to you in considering what, if any, obligations you had to your customer?

A No.

Q Showing you again Exhibit 75, does this refresh your recollection as the day on which you received information about the wire which is before you and which has been marked Defendant's Exhibit A?

A It doesn't refresh my memory, but I can make the assumption that one was dependent on the other.

Q Exhibit 75 is a Telex that you sent, is that correct?

A Yes.

Q Do you recall sending that Telex to Mr. Mallett in Florida?

A Yes, I think I do.

Q Can you tell us whether or not the final decision had been reached prior to sending that Telex to refuse cancellation?

A Yes.

Q Consequently, then, is it your testimony that the decision to cancel was reached the same day the telegram was received from the customer?

A Again, it is easy for me to make a comparison looking at these two things. But if you are asking me if it refreshes my memory, I can't honestly say it does.

MR. FOLEY: Reread the question.

(Question read.)

A Again, I don't have a clear recollection of that, but I would again assume that this wire here was the result of having received this one.

THE SPECIAL MASTER: You are saying 75 is your first reference to a telegram and Defendant's Exhibit A is your second reference.

THE WITNESS: Exhibit 75 was a result of us, I would assume, having learned about Defendant's

Exhibit A.

Q Do you recall whether or not when Defendant's Exhibit A was received and was physically placed in your hand it was the occasion of any prompt discussions?

A No. I don't recall ever having seen it before, to tell you the truth.

Q Whether or not you saw it, you knew about it. That is what I mean.

A We knew that guy wanted to cancel his trade.

Q Was that the subject of prompt discussion?

A I would say yes.

Q On the basis of reviewing the exhibits and the testimony you have given here recently, have you any refreshed recollection of with whom those discussions were held and what was said and by whom?

A Not so much what was said, but that I believe it was both Scott Long and our opinion that we didn't want to cancel the trade.

Q Was Mat Smith involved in those discussions?

A To the best of my knowledge, no.

Q Was Mr. Smythe?

A I don't know. I don't think so. I think it was only Scott Long and myself.

Q Was Mr. Dweck involved?

1
2 A No.

3 Q Was there ever an occasion that you were
4 aware of when the customer rather than requesting
5 cancellation of his trade requested delivery of securi-
6 ties?

7 A I can't remember, no. No, I don't recollect.

8 Q Your testimony, as I understand it, is you
9 were not involved in that. Is that true?

10 A That is correct.

11 Q In Exhibit 75, the last thing you do is
12 ask Mr. Mallett "Please advise." Did you receive a
13 response to that?

14 A I don't know.

15 Q What in particular did you want him to tell
16 you or inform you about?

17 A Well, if he had any information. I don't
18 recall we were asking for any specifics. It was a normal
19 ending to it.

20 Q I don't see any request for specific
21 information. Were you asking for information or seeking
22 to have him find out?

23 A I imagine we wanted to hear what the cus-
24 tomer had to say about it, if anything, if the customer
25 had anything to say about it.

1
2 Q Once again, with respect to Exhibits 70-B
3 and 76, I would like you to note these again and ask you
4 to observe the fact that February 14 was a Friday and
5 February 17 was a Monday.

6 A Yes.

7 Q Can you tell me what communication 76 was
8 in response to? Note the hour in the morning. It was
9 early.

10 A I don't know what it was in response to.
11 I mean I don't recall what it was in response to.

12 Q The only other exhibit that I am able to
13 find for the 14th is No. 71 here.

14 MR. MC ALLISTER: Excuse me. 76 is the
15 17th.

16 MR. FOLEY: It is the first thing in the
17 morning, the next working day. I am just trying
18 to see if we can somehow or other acquire the
19 information as to what was being responded to by
20 76. There has to be a reason why that was sent.

21 A This must have been the result of No. 70-B
22 here. This is 9:24 and 76 is 9:45.

23 Q Was it regular for him to send you telegrams
24 at an early hour like this?

25 A No.

1 THE SPECIAL MASTER: Identify the document
2 you have in your right hand.
3

4 THE WITNESS: Exhibit 71.

5 Q Do you recall during November and December
6 of 1968, or January of '69, ever being informed that
7 Mr. Fisher was seeking delivery of his securities?

8 A No.

9 Q Did you ever hear anybody say that Mr. Fisher
10 was "hounding" Mr. Cowan, the registered rep?

11 A No.

12 Q Did Mr. Mallett during that period of time
13 ever call you and ask you for assistance or discuss the
14 matter with you?

15 A During what period?

16 Q During the period November, December,
17 January.

18 A No.

19 Q During February you have some telegrams
20 there --

21 MR. MC ALLISTER: A telegram.

22 MR. FOLEY: You have more than one telegram.

23 MR. MC ALLISTER: Telexes.

24 Q You have Telexes from Mr. Mallett about
25 Bartep. I would like to show you No. 77. Does this

Exhibit refresh your recollection as to what the discussion was between you and Mr. Mallett about Bartep and Mr. Fisher?

A I can't assume there was a conversation.

Q Was there any dialogue between you at this point to which this refers?

A This would be the dialogue.

MR. MC ALLISTER: Referring to what?

THE WITNESS: Referring to the wires that were going back and forth.

THE SPECIAL MASTER: What exhibit is that?

THE WITNESS: Exhibit 77.

Q No. 77 refers to instructions to Lobe.

A Yes.

Q Were you acquainted with those instructions?

A No.

Q Do you know who gave them?

A No; but Lobe works in the margin department and he is the margin clerk for Miami. He may have received something about shipping out stock from the cage.

Q You received this Exhibit 77, I take it, from Mallett?

A It is addressed to me and I must have received it.

Q When you received it, what did you do?

A I don't remember what I did. I can surmise
and guess and stuff.

Q No.

A I am not trying to be difficult.

Q Prior to this time had you ever heard any-
one suggest sending stock to Mr. Fisher?

A Prior to the 18th or the 17th?

Q Prior to the receipt of this Telex No. 77.

A I can't say that I did, no. I mean for a
fact, no, I cannot.

Q Referring again to Exhibit 77 and comparing
it with 70-B, at the time that you made these handwritten
annotations on 70-B, had you made those and discovered
the information which they reflect when you received 77?

A That I don't know. I don't know when those
notations were made on 70-B. It might have been made at
two different times, because I notice I used two differ-
ent pens.

MR. FOLEY: Off the record.

(Discussion off the record.)

Q When you received Exhibit 77 from Mr. Mal-
lett, what did you do?

A To the best of my recollection, I don't

1
2 know what I did.

3 Q Would it be encumbent upon you to contact
4 anybody when you receive this information?

5 A Yes.

6 Q Who?

7 A I could have gotten ahold of Scott Long
8 or possibly the cage, to find out the extent of the
9 trouble.

10 Q Do you know whether you did?

11 A I don't. But it is not the sort of thing
12 I let sit, lie around my desk.

13 Q Do you normally make any kind of notations
14 as to --

15 A The disposition of the thing?

16 Q Yes.

17 A On a regular basis, I don't, no.

18 MR. FOLEY: Off the record.

19 (Discussion off the record.)

20 Q Mr. Key, prior to coming in to this deposi-
21 tion did you see Exhibit 77?

22 A Yes.

23 Q Without telling me what you did or who you
24 spoke to, did you make any particular effort to uncover
25 any additional information about it beyond what you have

1
2 given now or do anything to refresh your recollection?

3 A No. After that I spoke to Scott Long. I
4 don't recall I spoke about this one in particular to
5 him.

6 Q But did you discuss these Telexes in general
7 with Scott Long or somebody else at Harris, Upham?

8 A Yes.

9 Q In the process of reviewing these things
10 did you note the fact in your own mind that on seeing
11 them you didn't know what they were all about, very large-
12 ly?

13 A I can't say that. But there is a chronology
14 here that is very important. I don't mean to try to be
15 evasive with you at all, but in my own mind I just don't
16 know when these individual things took place. The fact
17 that today I know many of the problems that happened in
18 Bartep, we all know a lot of things happened in that
19 stock. But I can't place chronologically in my own mind
20 exactly when I learned things and when we did things,
21 except to assume from this. There is no doubt there
22 was a period in time -- and I am not sure of that period
23 of time -- when I was fully aware of all the problems
24 involved in this thing. Not fully involved, but I under-
25 stood what was going on. I know you have been trying to

1
2 get this information from me and I can't in my own mind
3 provide you with that information. So if you ask me a
4 specific time or a specific instance, I can't do anything
5 but hedge my talk, because I honestly don't remember it.

6 MR. FOLEY: Off the record.

7 (Discussion off the record.)

8 Q Mr. Key, will you give us your version as
9 you best recall it of what happened in this transaction
10 of Mr. Fisher?

11 THE SPECIAL MASTER: From beginning to end,
12 as far as he knows?

13 MR. FOLEY: As best he recalls.

14 A As far as I know, I had no recollection of
15 this thing until Mallett became involved in it, and
16 Mallett wired up. The ledger thing is very unclear. I
17 mean the letter stock is very unclear in my mind, because
18 I don't know when or where I found out about that first.

19 Q Is this your reference on Exhibit 70-B?

20 A Yes. When I learned about that, when I
21 put that down there, I don't know, and I don't know who
22 I spoke with. I do remember that somewhere around here
23 that plane crashed and all the Bartep guys were killed.
24 I do remember that there was letter stock around. I do
25 remember that the guy was trying to cancel his trade or

1
2 get his money back. I do remember that he never actually
3 tried to sell his stock. Other than that, I can't put
4 it into a package for you. Do you see what I mean?
5 And I would have to assume that it all happened right
6 around this time. But if you are trying to pin it down
7 and tell me I did this because I knew that, I really
8 can't tell you. I remember the Bartep thing, but the
9 method in which it happened and the times at which it
10 happened and what pieces of information I learned first
11 are very difficult for me to come up with.

12 Q Do you know whether or not you ever learned
13 whether or not the certificates which were obtained on
14 the trade to execute Mr. Fisher's order were among those
15 lettered or legended stock that you are referring to on
16 Exhibit 70-B?

17 A No. If I understand the question correctly,
18 you are saying did I know if any of Fisher's stock was
19 legend stock. Is that what you are asking me?

20 Q Yes.

21 A No. I might put in an aside here, and that
22 is that in those days, as you will remember, there were a
23 hell of a lot of fails around and I think the whole street
24 was having a lot of problems on fails to deliver and fails
25 to receive, and it was not unusual to find a fail condition,

1 A Yes.

2 Q Do you recall sending this Telex, Exhibit
3 79?

4 A Yes.

5 Q Do you recall what inquiries you made to
6 find out the transfer status?

7 A I think Scott Long and I again had talked
8 with Bill Smythe on the status of the Bartep.

9 Q Can you tell us whether or not that discussion
10 with Bill Smythe had anything to do with acquiring the
11 knowledge that was there that you noted on 70-B?

12 A I can't make a connection between this and
13 anything.

14 Q Do you know whether or not the information
15 contained on 70-B was ever known to Scott Long?

16 A I can't swear to that. In this here, this
17 stuff (indicating)?

18 Q Yes. I am talking about the handwritten
19 annotations on 70-B.

20 A No.

21 Q In relation now to Exhibit 79 again, will
22 you tell us the substance of your discussion with Smythe
23 which led to this, what he said to you and what you said
24 to him?
25

A I am afraid I can't help you on it.

Q Do you recall the conversation?

A No.

Q You are just surmising, then, a conversation took place on the basis of what is here on this exhibit?

A Yes.

Q Do you ever recall any difficulty you had in contacting Mallett?

A No, I don't even recall that.

Q How did you normally communicate with Mallett?

A I usually communicated with him by wire.

Q On a Telex, is that what you mean?

A Yes.

Q Did you phone him frequently?

A No.

Q On 79 there is a reference to the fact that the circuits were busy. Would that lead you to believe you tried to phone him that day?

A That would be my assumption. I don't think our wire would have been busy. I would say it would have been the telephone circuits.

Q Do you know why you wanted to talk with him?

1
2 A Again, I can't say I remember why. I assume
3 it was the Bartep.

4 Q Reviewing 77, 78 and 79, would you say that
5 79 is a response by you to the earlier two?

6 A Yes.

7 Q Why did you want him to contact the customer,
8 as you indicate on 79?

9 A 79?

10 Q The last thing you say on there is "Have
11 you been able to contact the customer".

12 A Again, I have to rely on what I assume from
13 this. But I would say we were telling the customer
14 that the stock is in transfer and he had to take delivery.

15 Q Do you know whether or not that information
16 was ever conveyed to the customer?

17 A No.

18 Q That is, pursuant to your request.

19 A No. I don't even recollect.

20 Q When you say on Exhibit 79 the stock was
21 in transfer, does that refer to being in the process of
22 transfer by the transfer agent, or merely in your trans-
23 fer account?

24 A I would imagine it meant by the transfer
25 agent. It is in transfer. We send it to the transfer agent.

1 That is my understanding of the definition of the word.

2
3 Q However, you do not have a recollection of
4 whether or not it was in fact in transfer? Is that my
5 understanding of your testimony?

6 A You are right. I had no clear recollection
7 that it was in transfer, except when I look at this here
8 and you ask me whether the stock is in transfer.

9 Q Prior to this time had Mr. Smythe given
10 you any information with respect to the contents of
11 Exhibits 39, 43 and 48?

12 A To the best of my knowledge, no. I had
13 received this this morning. I had never seen this before.
14 The information contained there wouldn't be --

15 Q Did Smythe tell you anything about the fact
16 that there had been rejections by the transfer agent?

17 A He could have, but I honestly don't recall.

18 Q On the basis of what you put into this
19 telegram here, Exhibit 79 --

20 A Oh, on the basis of what is in the telegram,
21 yes. But on the basis of my recollection, I don't recall
22 quite as well.

23 Q What I am wondering about is this. Assuming
24 for the moment the documentary evidence in this case
25 already indicates that in fact a rejection had taken place

1 before this date, before February 18th, and that Smythe
2 knew it, or his department knew it, I am asking whether
3 in the process of checking with that department to find
4 out the information that you have included in Exhibit 79
5 here you became aware of the fact that the transfer agent
6 had rejected the stock.
7

8 A I would say that I became aware that there
9 was a fail. That must have occurred in here.

10 Q I am not talking about fails. I am talking
11 about a rejection by the transfer agent.

12 A No, I don't remember the information regard-
13 ing that.

14 Q When you would make the inquiry that you
15 testified that you made to get the information that you
16 put in Exhibit 79, would you address that inquiry to
17 Mr. Smythe himself?

18 A Would you say that again?

19 MR. FOLEY: Read it, please.

20 (Question read.)

21 A Yes, I would think we would ask Bill Smythe
22 what is the status of the Bartep, can you ship it out.

23 Q When you use the word "we," whom do you
24 mean?

25 A Scott Long and myself.

Q Personally, though. You wouldn't convey this information to other people?

A We would have probably telephoned Bill Smythe, or maybe he came down. I just don't remember.

Q Would the request which you would make for this information make it incumbent upon Mr. Smythe to inform you if in fact the transfer agent had rejected the particular securities?

A Possibly, yes. If he has any indication of any fail, of any skulduggery, he is supposed to tell us of it.

Q Apart from skulduggery, you have three letters in front of you which have been marked as Exhibits 39, 43 and 48 which show a rejection by the transfer agent of the securities which were originally obtained to execute Mr. Fisher's order. What I want to know is this. When you made inquiries of Mr. Smythe as to the status of the shares in question --

A You are assuming that. I believe I did, but I don't remember the actual instance.

Q I am assuming what?

A You are assuming I did call Mr. Smythe. I can't actually remember the conversation myself. You asked me what I thought I would do in the normal course

of my business and I am trying to tell you.

Q Would he ask you for certain information which would make it incumbent upon him to tell you we have been rejected by the transfer agent on these securities?

A Yes, I think that would be fair, if "incumbent" would be the proper word. Would be his responsibility.

Q And he knew that?

A He should tell us about it, sure.

Q And you know Mr. Smythe?

A Surely.

Q He has been around long enough. He knows he should tell you that, isn't that true?

A Yes. I would think if there is any problem like that, he would let us know, certainly.

Q And your testimony is that you have no recollection of ever being told that. Is that true?

A Ever being told that there was any --

Q At about this time, February 18th.

A I can't put my finger on the time. You put sixty-one on that Telex, or wire, as we call them, and then you ask me did I know now. I know I knew about it at some juncture, but I can't pinpoint it for you.

Q Did you know about it, say, two or three weeks ago, that there was a rejection by the transfer agent?

A Yes, I would say so.

Q Did you learn of it prior to the institution of this lawsuit? I am thinking through the spring and early summer of 1969. Did you know about it then?

A I am not even sure the lawsuit was in progress.

Q The rejection was February 17 of 1969. Not the rejection. The telegram to cancel.

A I couldn't tell you.

Q I am asking you to try and place it in terms of time within six months after.

A I don't think I could do that. I mean I can't put a date on it.

Q Do you recall the circumstances under which you acquired the knowledge that the securities had been rejected by the transfer agent?

A No. It could have been Smythe; it could have been Mallett. It could have been -- I don't know.

Q Did that information, when you did acquire it, have any influence whatsoever in your decision not to go along with the cancellation request by the customer?

1
2 A I can't say.

3 Q Mr. Key, let me ask you this. On the basis
4 of an assumption, assume that Mr. Smythe had told you
5 of this rejection by the transfer agent, and assume that
6 you knew that the stock was restricted or non-transferrable
7 at the time you had to make the decision about the request
8 for cancellation. Would you have decided any differently
9 than you did if you had that knowledge then?

10 MR. MC ALLISTER: Can you repeat the question?

11 MR. FOLEY: I think he understood it.

12 MR. MC ALLISTER: I didn't. I want to
13 listen to the question.

14 (Question read.)

15 MR. MC ALLISTER: Do you understand the
16 question?

17 THE WITNESS: In other words, if I had known --

18 MR. MC ALLISTER: Do you understand the
19 question?

20 THE WITNESS: I think so.

21 THE SPECIAL MASTER: Off the record.

22 (Discussion off the record.)

23 MR. MC ALLISTER: Yes or no.

24 A No. I would have behaved in the same way.

25 Q You would have decided the matter the

A Yes.

Q Would that also involve the obligation on the other side to deliver good stock within a given period of time?

A To deliver good stock? I would think yes.

Q Good transferable shares.

A Yes.

Q At the time that you decided not to proceed with cancellation, did you make any inquiry as to whether or not these terms had been lived up to by both sides?

A No.

Q Were you in possession of any knowledge or any information, other than merely the execution date of the original trade, which led you to conclude that rather than accommodate your client, to use your words, you would reject the attempt at cancellation?

A No.

MR. FOLEY: Off the record.

(Discussion off the record.)

Q After you sent Exhibit 79 to Mr. Mallett, did you continue to hear from him with respect to Mr. Fisher and his Bartep shares? I would like to show you Exhibit 89.

A Did I talk to who? Smythe?

Key

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THE SPECIAL MASTER: You better have the question read back, Mr. Key.

(Question read.)

A Well, Exhibit 89 would indicate I did hear from him afterwards. But in point of remembrance, it is difficult to say yes. I do remember speaking to Mallett on the telephone.

Q Do you ever recall any change in the status of things? In other words, Mr. Fisher still demanding his cash and Harris, Upham still insisting on going through with the transaction?

A No.

Q After you and Long had your initial discussions in the course of which the decision was made not to permit cancellation, did you and Scott Long thereafter both stay in touch with this situation?

A I think I did. I can't speak for Scott.

Q Did you stay in touch with him about it?

A I would assume I did, yes.

Q Do you know?

A I don't know for sure. I don't know how long it dragged on. It went on quite awhile.

Q Did you become aware at some later date

* * *

Key

167

Plaintiff's Exhibit 143 for
identification as of this date.)

MR. FOLEY: Off the record.

(Discussion off the record.)

Q Would you please take a look at 142 again,
Mr. Key. I have some questions about that again.

Do you know whose account number 3032-32 is?

A No, I don't.

MR. McALLISTER: 142?

MR. FOLEY: Yes.

Q Do you see where that account number is
referred to on that telex?

A Yes, I see it.

Q Right below that there is something. I would
like you to read it and explain what it means.

A It says "350 must be sold. Sell out for margin."

MR. McALLISTER: Is that a margin call?

THE WITNESS: I can only guess that it
must be.

Q You don't know who the customer was, do you?

A No.

MR. McALLISTER: It's Thomas Megaris, and
that account number is identified on Plaintiff's
Exhibit 29A, B and C.

1
2 MR. FOLEY: This next one is another
3 one of these telexes from Schwartz. This is dated
4 2/14 to Lauderdale, "Re Bartep, Still in transfer."

5 THE SPECIAL MASTER: The date?

6 MR. FOLEY: 2/14. The handwritten date is
7 2/14. The time stamp date is 2/17.

8 (Telex dated February 17,
9 1969, marked Plaintiff's
10 Exhibit 163 for identifica-
tion as of this date.)

11 MR. FOLEY: The next one is dated 2/27 from
12 Miami to Lobe, advising delivery of 5,000 shares.

13 (Telex dated 2/27/69 marked
14 Plaintiff's Exhibit 164 for
15 identification as of this
date.)

16 MR. FOLEY: Next is February 27 from
17 Mallett in Florida to Smythe, accept Lobe's
18 instructions to deliver, et cetera. It has a
19 handwritten statement on it.

20 (Telex dated 2/27/69 marked
21 Plaintiff's Exhibit 165 for
22 identification as of this
date.)

23 MR. FOLEY: Mr. McAllister, to save
24 time, will we agree that the handwritten portion at
25 the top of this exhibit represents a response which

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 HAROLD FISHER,

4 Plaintiff,

5 -against-

6 HARRIS UPHAM & CO.,

7 Defendant.

8
9 EXAMINATION BEFORE TRIAL of the Defendant, by

10 JAMES J. SIMPSON, taken by the Plaintiff, pursuant to
11 notice, at the Sun City Motel, 17375 Collins Avenue, Miami
12 Beach, Florida, on Wednesday, March 29, 1972, commencing
13 at 3:55 o'clock p.,.

14 APPEARANCES:

15 MESSRS. LIVINGSTON, LIVINGSTON & HARRIS

16 Attorneys for Plaintiff

292 Madison Avenue

17 New York, New York,

18 By: ALAN HARRIS, Esq.

-and-

19 MESSRS. KAPLAN, KILSHEIMER & FOLEY

122 East 42nd Street

20 New York, New York,

21 By: DERMOT G. FOLEY, Esq.,

of Counsel.

22 MESSRS. GIFFORD, WOODY, CARTER & HAYS

Attorneys for Defendant

1 Wall Street

23 New York, New York,

24 By: MICHAEL J. McALLISTER, Esq.,

25 of Counsel.

1 IT IS HEREBY STIPULATED AND AGREED by and between
2 the attorneys for the respective parties hereto that
3 the sealing and filing be and the same are hereby
4 waived;

5 It is further stipulated and agreed that all
6 objections, except as to the form of the question,
7 shall be reserved to the time of the trial; and

8 It is further stipulated and agreed that the
9 within examination may be signed and sworn to before
10 any notary public with the same force and effect as
11 though signed and sworn to before the Court.

12 *****

13 J A M E S J. S I M P S O N, having been first duly
14 sworn, was examined and testified as follows:

15 EXAMINATION BY MR. FOLEY:

16 Q Mr. Simpson, will you state your name and address?

17 A My name is James J. Simpson. I live at 2701
18 Northwest 37th Drive, Fort Lauderdale.

19 Q Are you the manager of the Fort Lauderdale office
20 of Harris Upham?

21 A Yes.

22 Q How long have you been in that position?

23 A About four years and three months.

24 Q Were you in that position in say the summer of

25 1968?

1 A Yes.

2 Q Mr. Simpson, I am going to bring to your attention
3 various customers who we have reason to believe were Harris
4 Upham customers at the Fort Lauderdale office, and I would
5 like to ask you whether you knew these customers or anything
6 about them or their accounts, and whether you handled their
7 accounts? I might start there as part of your function in
8 the Fort Lauderdale office did you on occasion deal
9 directly with the customers?

10 A I do with some customers, but not all the customers.

11 Q In other words, you have your own customers as
12 a Registered Rep?

13 A Yes, I have my own customers.

14 Q Is the name Louis Padula familiar to you?

15 A The name is familiar.

16 Q Is he one of your customers?

17 A He is not my personal customer.

18 Q Are you aware of the fact that in October of 1968
19 Louis Padula purchased shares of Bartep Industries?

20 A Well, my memory has been refreshed on the point
21 and I now know it. Yes.

22 Q Do you know whether prior to that time Mr. Padula
23 had been a customer of the firm?

24 A I think he had. I think he had been a customer,
25 but I can't swear to it.

* * *

1 MR. HARRIS: I missed that.

2 MR. FOLEY: I did not understand that to be that either.

3 Q Is there a new form now?

4 A I think we have a new form now which has a square
5 on it for that, which is not on this one. I don't believe
6 those rules were in effect at that time.

7 Q I point out to you, Mr. Simpson, that the two
8 order tickets in question, 26-A and 27-A, the two sales
9 orders aggregate 500 shares of Bartep at five dollars a
10 share for the account of Mr. Miller, were dated and
11 executed on January 2, 1969; is that correct?

12 A That is right.

13 Q Whereas the ledger sheet, Exhibit 113, reflects
14 the receipt of 4000 shares on 1/09?

15 A That would be the settlement date.

16 Q But it reflects the actual receipt of 1/09?

17 A Right.

18 Q On 1/09?

19 A Yes.

20 Q Is that correct?

21 A That is correct.

22 Q Do you now recall whether there was anything wrong
23 with those securities delivered by Mr. Miller, the 4000
24 shares of Bartep?

25 A Yes, I do.

1 Q What is your recollection?

2 A They were what we call a legal item, which they
3 had to clear legal before we could pay it.

4 Q Could you please explain a little more for me in
5 this case?

6 A Well, I can't give you a precise answer.

7 Q In whose name were the securities when delivered?

8 A I think I heard you use the name a minute ago of
9 Condor Insurance.

10 Q Does that refresh your recollection?

11 A Only as to the name, that is the name they were in.

12 Q Do you now recall possibly directly or indirectly
13 with your customer's man or receiving clerk the Condor
14 Insurance Company?

15 A I remember the name, Condor Insurance Company.

16 MR. HARRIS: Off the record.

17 (Discussion off the record.)

18 MR. HARRIS: On the record.

19 Q Mr. Simpson, I am now referring to those 4000
20 shares of Bartep Industries stock delivered to your office
21 for the account of Bernard Miller on January 9, 1969, as
22 testified to by you, do you recall in whose name the stock
23 was registered?

24 A It was registered in the name of the Condor
25 Insurance Company, Limited.

1 Q Do you recall seeing the stock certificate yourself?

2 A No, sir.

3 Q Therefore, you don't recall whether it was one
4 or more certificates?

5 A I don't.

6 Q Do you recall whether when delivered the stock
7 was accompanied by any corporate resolution?

8 A I don't know that.

9 Q Do you know when the stock was delivered to your
10 office whether it was accompanied by a form addressed to
11 Harris Upham & Company, and I show you Plaintiff's Exhibit 55?

12 A So you have evidence that such an instrument was
13 delivered with the stock.

14 MR. HARRIS: I don't have any evidence that this
15 was delivered. Your attorneys have produced these copies
16 of documents from files of Harris Upham.

17 MR. McALLISTER: In Fort Lauderdale.

18 Q And, as Mr. McAllister states, obtained from the
19 files at Fort Lauderdale. My inquiry was whether these
20 forms, Plaintiff's Exhibit s 55 and 54 were delivered to
21 your office simultaneously with the 4000 shares of stock?

22 A I cannot say they were simultaneously. It is
23 apparent that they were received.

24 Q Would your office time stamp the receipt of paper-
25 work such as this?

1 A No, sir.

2 Q From your knowledge as a securities broker would
3 the original corporate resolution remain with Harris Upham
4 or would it accompany it, the stock to the transfer agent?

5 A I think it would go to the transfer agent.

6 Q Isn't that a fact?

7 A I said I think.

8 Q This form Plaintiff's Exhibit 55 is a Harris Upham
9 printed form, is it not? Is that correct?

10 A Yes.

11 Q And in fact the form which is Plaintiff's Exhibit
12 54 by reason of the print, is this also an Harris Upham
13 printed form?

14 A Yes. We use it.

15 Q Is this corporate resolution, a one page two sided form?

16 A I believe it folds out. I believe it is one page
17 but folds. It would be a standard size.

18 Q Presently you have no recollection personally of
19 supplying these forms to the customer, Mr. Miller, or to
20 anyone for Mr. Miller's purposes or for Mr. Miller's account;
21 is that correct?

22 A I have no personal.

23 Q You personally have nothing to do with that?

24 A If I did I don't recall.

25 Q If you did you don't recall. Is Mr. Hagstrom, the

1 Registered Rep who formerly worked for Harris Upham under
2 your supervision, is he an experienced Registered Representative,
3 to your knowledge?

4 A To my knowledge, he is.

5 Q I point out to you, Mr. Simpson, that looking at
6 Exhibit 55, which is authorization to use securities
7 although registered in one person's name for someone else's
8 account, it is signed by whom, for which entity is it signed?

9 A It is signed for the Condor Insurance Company, but
10 it looks like Gus Rubino.

11 Q If the testimony reflects heretofore that the 4000
12 shares delivered by Mr. Bernard Miller were in fact
13 registered in the name of Condor Insurance then it would be
14 necessary to have Condor Insurance's authorization; isn't
15 that correct?

16 A To use it in the account?

17 Q To use it in the account of Bernard Miller?

18 A That is correct.

19 Q But I also call your attention to the account number
20 which appears under the signature line, whose account number
21 is that?

22 A That is the account for Bernard Miller.

23 Q Does it indicate the capacity or office title of
24 Mr. Rubino with respect to Condor Insurance Company?

25 A This document does not.

1 Q I am referring to Plaintiff's Exhibit 55.

2 A Right.

3 Q The original not being produced we also cannot
4 tell whether there was a corporate seal on it, can we?

5 A There was a corporate seal.

6 Q I am talking about this exhibit.

7 A This has no legal status with the transfer agent.

8 Q Referring to Exhibit 55, is that correct?

9 A Right.

10 Q What is -- is not the purpose of this form,
11 Plaintiff's Exhibit 55, to keep Harris Upham in the clear as
12 between the ostensible registered owners of securities and
13 the person who is bringing in the securities for use --
14 something in writing to check that the registered owner knows
15 that the person delivering it can use it for his account.

16 MR. McALLISTER: Is it a release from Condor
17 Insurance Company running to the benefit of Harris Upham?

18 THE WITNESS: That is right. That is the purpose.

19 MR. HARRIS: Something of that nature. I might
20 object to the use of the word "release."

21 Q I show you Plaintiff's Exhibit 54 for identification,
22 which is the corporate resolution which normally accompanies
23 the stock certificate to the transfer agent, correct?

24 A Yes.

25 Q Would it be the function of your office, either

1 yourself or your experienced Registered Representatives, or
2 clerks, girls, to know that these are to be filled out in a
3 particular fashion so that the transfer can go through rather
4 than keep kicking back and forth? Do you recall this?
5 For further documents -- I just ask you to refresh your
6 understanding of the corporate resolution so I may ask you
7 a question or two concerning this particular corporate
8 resolution.

9 A I would say that in general our cashiers would
10 know whether it was filled out.

11 Q Your cashiers?

12 A Properly. We don't rule on it.

13 Q When you say your cashiers you mean the cashiers
14 in Harris Upham?

15 A In the branch office.

16 Q In Fort Lauderdale?

17 A Yes.

18 Q How about you yourself, Mr. Simpson, are you not
19 in the position to assist the cashier and to re-examine a
20 corporate resolution to determine whether it appears to be
21 in good order for transmittal to New York?

22 A I don't practice law, but I would say in general
23 that I could look at the form and say it was in good form.

24 Q You do not recall participating in this transaction,
25 isn't that correct, referring to the 4000 shares registered

1 in the name of Condor Insurance for the account of Bernard
2 Miller, is that correct?

3 A I don't recall that I did.

4 Q I call your attention that this corporate resolution
5 form even has fine print in the nature of footnotes below
6 the signature line.

7 A Yes, sir.

8 Q And I also call to your attention that the body of
9 the resolution says that it is the resolution of the board
10 of directors that a person by the name of Gus Rubino is
11 authorized to do something.

12 A Right.

13 Q To deliver or to assign securities registered in
14 the name of the corporation.

15 MR. McALLISTER: The document speaks for itself.

16 Q Who certifies this particular form, namely
17 Plaintiff's Exhibit 54, who is the actual person who signed
18 it on behalf of the corporation?

19 A Gus Rubino signed it.

20 Q What does the footnote indicate down below?

21 A It should have had one of the other officers to
22 sign it.

23 Q To corroborate because in a sense Mr. Rubino is
24 certifying he himself is authorized to do something.

25 MR. McALLISTER: Don't answer that. It is argumentative.

1 Q Do you now recall, after January 9, 1969 was there
2 an occasion whereby further documents were required in order
3 to transfer these 4000 shares of Condor Insurance Company
4 stock of Bartep?

5 A There was some problem with the sale of this Bartep.
6 We could not get it through the transfer agent. That much I
7 am sure.

8 Q That is what I am referring to.

9 A Right.

10 Q But I am not referring to August of 1969. I
11 would like to stick with January, February and March of 1969.

12 A I cannot recall that precisely. I am sorry, but
13 I just don't.

14 Q What do you recall concerning the 4000 shares of
15 Bartep stock registered in the name of Condor Insurance?

16 MR. McALLISTER: In that period again?

17 MR. HARRIS: Yes. In any period.

18 MR. McALLISTER: In any period. Okay.

19 MR. HARRIS: Because he says he does not remember
20 the period.

21 A I simply have no precise knowledge of that.

22 Q I am not trying to be patronizing. Of course you
23 cannot, but is it helping you refresh your recollection?

24 A Like I remember, no.

25 Q You do recall that there was a problem with

1 transferring these 4000 shares, is that correct?

2 A I think that was right. Yes.

3 Q And that this problem was not solved by the
4 production of Exhibits 54 and 55, that there was still a
5 problem, is that correct?

6 A I would say that there was some reason, for some
7 reason we were not able to transfer this stock.

8 Q These 4000 shares?

9 A I think that is correct.

10 Q Do you recall whether the reason had to do with
11 this problem that it was in corporate name and being used
12 for someone else's account, or was it because of what we
13 might call a securities problem that the stock was stopped
14 or restricted?

15 A I would be guessing to try to comment on that.

16 Q Did you prepare for this examination before trial,
17 Mr. Simpson?

18 A Are we on trial?

19 MR. McALLISTER: Examination before trial.

20 MR. FOLEY: Deposition.

21 A I looked over some documents with Mr. McAllister.
22 That is all.

23 Q Did you look for any additional documents having
24 to do with this problem you now refer to, documents which
25 might refer to the problem, indicate how it was solved, what

1 the problem was, when it occurred?

2 A Should I read this and try to answer your question?

3 Q This is August. I would like to stick with January,
4 February and March. For your benefit, Mr. Simpson, I would
5 like to advise you that prior examinations of the records of
6 Harris Upham and of the witnesses has reflected that the
7 4000 shares of Condor Insurance stock was actually transferred
8 in March of 1969, so that this correspondence in August
9 in a sense could not reflect what we are discussing right now.
10 We are discussing Condor Insurance Company stock which was
11 transferred but of the name of Condor during the month of
12 March, 1969.

13 MR. McALLISTER: Maybe some of the Telexes would help.
14 Off the record.

15 (Discussion off the record.)

16 MR. McALLISTER: On the record. Having reviewed
17 certain documents are you able to respond?

18 THE WITNESS: I am able to respond and say we had
19 a legal clearance problem on those shares.

20 Q You are looking at Plaintiff's Exhibit 56?

21 A Right.

22 Q Is that correct?

23 A Yes.

24 MR. HARRIS: Would you mark this.

25 (Document above-referred to was marked Plaintiff's
Exhibit 114 for identification.)

1 Q Now, in point of time, Mr. Simpson, what is the
2 earliest of the various exhibits in front of you or copies
3 of exhibits, four in number, what is the earliest dated message?

4 A I looks like 1/20.

5 Q January 20th, is that correct?

6 A Yes.

7 Q And this indicates, does it not, a handwritten
8 instruction to a wire clerk in New York to address a message
9 to your office to the attention of Mr. Hagstrom referring
10 to the account of Mr. Bernard Miller and the message is
11 that Bartep is still in transfer; is that correct?

12 A Right.

13 Q Referring to the account of Mr. Miller?

14 A Yes.

15 Q Do you now recall, would that indicate to you a
16 message had gone to New York concerning that account?

17 A Yes, he probably asked for a pay out.

18 Q The prior testimony today was that Bernard Miller
19 had sold 500 shares, is that correct?

20 A Yes.

21 Q So you think he was asking for a pay out?

22 A Probably.

23 Q Long after the shares had been sold on January 2nd
24 for settlement January 9th?

25 A Right.

1 Q Is there any copy produced by your office of the
2 wire or the request which went to New York?

3 A I don't have that.

4 Q Does your office maintain copies of all messages?

5 A We do for a certain period of time.

6 MR. McALLISTER: Did you at that time?

7 THE WITNESS: Yes.

8 MR. McALLISTER: In 1968?

9 THE WITNESS: I think so.

10 Q What period of time?

11 A I think we saved those for two years.

12 Q What do you do with them after the two year period?

13 A I think we just get rid of them.

14 Q Are you sure you don't send them to New York?

15 A No, we don't send them.

16 Q Do you think it was two years?

17 A Yes. I think we saved those wire messages for two
18 years, maybe not that long.

19 Q If at the end of the examination, I am really
20 addressing this to Mr. McAllister, if a list of additional
21 documents to look for is made, could a search be made?

22 A We will be glad to search for any messages you wish.

23 Q I would like to ask you, at this particular point,
24 which is January 20th, the settlement date on Mr. Miller's
25 sale of 500 was January 9th, the ledger sheet reflects the

1 sale in your office of securities not later than January 9th --
2 why would he not have gotten his money by then?

3 A Because the stock was not cleared legally. It was a
4 legal matter. It had not been transferred in the name of
5 Harris Upham.

6 Q Is that because it was in corporate name?

7 A That could be, but in any event it did not clear
8 legally.

9 Q When we were looking at the Gus Rubino trades of
10 1000 shares and delivery by Mr. Rubino of 1000 shares in the
11 same fashion as Mr. Bernard Miller on settlement date
12 Harris Upham paid him his money on settlement date?

13 A Right. Any time we get the stock in the name of
14 a corporation we have to clear, the stock has to clear
15 the transfer agent before we will pay out.

16 MR. McALLISTER: Just for purposes of the record,
17 when you use the word corporation you are obviously
18 excluding the names of other brokerage houses?

19 THE WITNESS: Yes.

20 Q Looking at Plaintiff's Exhibit 56, the message is
21 dated February 12th. The next message on the same exhibit
22 number is 2/17, the next 3/07; is that correct?

23 A Right.

24 Q And in each case they are referring to account
25 at your office of Mr. Bernard Miller by number, is that correct?

1 A Right.

2 Q Now, on 2/12 the message also says, I do not have
3 legal clearance on the Bartep as yet; is that correct?

4 A Correct.

5 Q And it is addressed to who at your office?

6 A To Elvira.

7 Q To whom is the second message on that exhibit
8 addressed?

9 A Larry, he is now a Registered Representative, for
10 this account, Larry D. Beneditto, or he was at that moment.

11 Q At this time was Hagstrom no longer the Registered Rep?

12 A I think that is correct. Hagstrom had left.

13 Q Were there any unusual circumstances under which
14 Hagstrom left your office.

15 MR. McALLISTER: What do you mean by unusual?

16 MR. HARRIS: I withdraw the question.

17 Q Was Mr. Hagstrom fired or did he quit?

18 MR. McALLISTER: Did he resign?

19 A He resigned.

20 Q Did he resign under fire?

21 MR. McALLISTER: What do you mean by under fire?

22 Q Mr. Simpson, do you understand what a resignation
23 under fire means?

24 MR. McALLISTER: I am not sure that I understand it.

25 Q Was he induced to resign? Was it suggested that he

1 resign? What reason did he give for resigning?

2 MR. McALLISTER: Did he give any reason.

3 Q Did Mr. Hagstrom give any reason for resigning?

4 A I don't think so. I think maybe he and I had a
5 personality conflict.

6 Q Did it have anything to do with trades in Bartep
7 from Padula through Gus Rubino through Bernard Miller?

8 A No. This was no apparent problem at the time.
9 I was not aware of it.

10 Q When did he resign?

11 A Now you have asked a question that I can answer.
12 I will not equivocate. He left us on February 7, 1969.

13 Q The problems which apparently arose between your-
14 self and Mr. Hagstrom, did they have to do with Bartep stock
15 and/or the dealings with these customers, Mr. Padula, Mr.
16 Rubino, Mr. Miller, Mr. Reeves?

17 A Absolutely not.

18 MR. FOLEY: Did the personality conflict as you
19 describe it between yourself and Mr. Hagstrom have to
20 do with the manner in which Mr. Hagstrom deal with
21 his accounts?

22 THE WITNESS: Absolutely, no.

23 Q Mr. Simpson, before we get back to this problem
24 of the 4000 shares of Condor you have produced today for use
25 on this examination an order form with all carbon copies.

1 A I have heard that rumor.

2 Q Referring to 1969?

3 MR. McALLISTER: Did you hear that, in 1969?

4 A I can't answer that with any accuracy. I don't
5 know. I have heard that rumor, but I don't know when.

6 Q Let us get back to the 4000 shares which Mr.
7 Miller delivered to your firm registered in the name of
8 Condor, and look at Plaintiff's Exhibit 56, we have
9 testimony from you that all three messages relate to Mr.
10 Miller's account and to the effect that the stock is still
11 in transfer or the word legal appears in two or three
12 messages on this exhibit, is that correct?

13 A Correct.

14 Q And is it as a result of this that you were holding
15 on to the funds in Mr. Miller's account?

16 A Right.

17 Q The 3500 shares, the full 4000 shares had been
18 sent to New York?

19 A Correct.

20 Q And apparently New York was telling you that they
21 did not have legal clearance on it, the stock is still in
22 transfer?

23 A That is correct.

24 Q What is the date of the third message on Plaintiff's
25 Exhibit 56, March 7, 1969, is it not?

1 A March 7, 1969, right.

2 Q Do you know who Schwartz is?

3 A Yes. Well, he was someone in the legal department,
4 in the transfer department, in the cage.

5 Q In New York, right?

6 A Right.

7 Q Who is Dick in your office?

8 A Dick was a wire operator who filled in as cashier.
9 You know, substituting back and forth.

10 Q If a message is sent from New York from Sempte
11 in New York to Dick in your office would it be fair to say
12 that Dick must have sent a message to New York, a reply
13 to New York?

14 A Yes, he was in this case acting as cashier.

15 Q Do we have a copy of this message from your office
16 to New York signed by Dick?

17 A I doubt it at this time, but I could check if it
18 is important.

19 Q Let's look at the substance of the third message
20 on Plaintiff's Exhibit 56. To digress for a moment for the
21 record, none of the messages, Mr. Simpson, which caused
22 the reply messages appearing on Plaintiff's Exhibit 56
23 have been produced either the New York copies or copies
24 made in your office, and I assume, Mr. McAllister, is that
25 correct, that none of them can be found, neither copies in

1 Lauderdale nor the originals in New York?

2 MR. McALLISTER: That is correct.

3 Q Let's look at the third message. What is the
4 latter part, what does the latter part of the message say?

5 A This is a legal item and Schwartz has advised me
6 not to pay until it clears. Please check with him as I have
7 not seen his.

8 Q Seen is okay.

9 A He might mean received, or I do not see it, okay.

10 Q Is Dick still employed in your office?

11 A No.

12 Q Do you know now as the manager of the office
13 whether when an okay was received with respect to this
14 problem --

15 A I know that it was received. I know it was paid,
16 and I'd have to look at the records to find out when.

17 Q Mr. Simpson, if I were to tell you that the shares
18 of Condor Insurance were transferred out of the name of Condor
19 Insurance and into the name of Harris Upham on March 7, 1969,
20 which coincidentally happens to be the date of this message,
21 and furthermore that there is testimony that Harris Upham
22 received those shares registered in the name of Harris Upham
23 not later than March 25, 1969 would it be fair to expect
24 that Mr. Miller's money and the balance of the good shares
25 if he wanted them would have been returned to him within a

1 reasonable time after March 25, 1969?

2 A I would think so.

3 Q Are there any messages from March 25, 1969 through
4 June 30, 1969 showing the clearing up of this problem and the
5 delivery of the money or the shares to Mr. Bernard Miller?

6 A There is a statement which will show our payment
7 to Mr. Miller.

8 MR. HARRIS: Mark this, please.

9 (Document above-referred to was marked
10 Plaintiff's Exhibit 120 for identification.)

11 Q Mr. Simpson, I show you Exhibit 120, and it is a
12 poor photocopy of a ledger or monthly statement for the
13 account of Bernard Miller for the period ending July
14 something, 1969, and it shows that a credit balance was
15 maintained in his account of \$2427.50 and that the account
16 was still long 3500 shares of Bartep, is that correct?

17 A That appears to be correct.

18 Q Does that reflect that although the shares were
19 transferred into the name of Harris Upham March 25, 1969
20 indicating that the stock had cleared all legal problems
21 that Mr. Miller's money and securities were still in his
22 account as of the end of the statement period for the
23 end of July, 1969?

24 A I am not sure about that.

25 Q Let us assume for the moment that Mr. Miller may
* * *

EXCERPTS FROM DEPOSITION OF B. COWAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

1
RP 113, 124-127

----- x
HAROLD FISHER, :
Plaintiff, :
-against- :
HARRIS UPHAM & CO., :
Defendant. :

----- x
EXAMINATION BEFORE TRIAL of the Defendant, by BENJAMIN
COWAN, taken by the Plaintiff, pursuant to notice, at the
Sun City Motel, 17375 Collins Avenue, Miami Beach, Florida,
and at the office of Harris Upham & Co., 1085 Kane
Concourse, Bay Harbor Island, Miami Beach, Florida, on
Tuesday, March 28, 1972, commencing at 10:15 o'clock A.M.

APPEARANCES:

MESSRS. LIVINGSTON, LIVINGSTON & HARRIS
Attorneys for Plaintiff
292 Madison Avenue
New York, New York,
By: ALAN HARRIS, Esq.
-and-

MESSRS. KAPLAN, KILSHEIMER & FOLEY
122 East 42nd Street
New York, New York,
By: DERMOT G. FOLEY, Esq.,
of counsel.

MESSRS. GIFFORD, WOODY, CARTER & HAYS
Attorneys for Defendant
1 Wall Street
New York, New York,
By: MICHAEL J. McALLISTER, Esq.,
of counsel.

1 IT IS HEREBY STIPULATED AND AGREED by and between
2 the attorneys for the respective parties hereto that
3 the sealing and filing be and the same are hereby
4 waived;

5 It is further stipulated and agreed that all
6 objections, except as to the form of the question,
7 shall be reserved to the time of the trial; and

8 It is further stipulated and agreed that the
9 within examination may be signed and sworn to before
10 any notary public with the same force and effect as
11 though signed and sworn to before the Court.

12 *****

13 B E N J A M I N C O W A N, having been first duly sworn,
14 was examined and testified as follows:

15 EXAMINATION BY MR. FOLEY:

16 Q Would you tell us your name and address?

17 A Benjamin Cowan, 1360 99th Street, Bay Harbor
18 Island 33154.

19 Q Are you employed by Harris Upham?

20 A Yes.

21 Q In what capacity?

22 A Registered Rep.

23 Q For how long?

24 A Ever since I started in this business. I believe
25 it was June, 1962.

1 Q Did you ever work in the securities business
2 before then?

3 A No. Never.

4 Q To become a Registered Representative did you
5 have to undertake certain examinations and qualify?

6 A Yes, I took an examination at the University of
7 Miami.

8 MR. FOLEY: Off the record.

9 (Discussion off the record.)

10 MR. FOLEY: On the record.

11 Q In the course of the 10 years you have been employed
12 in the securities industry have you made it your business
13 to develop an understanding of the way that the industry
14 works in terms of its dealings with its customers?

15 A Yes.

16 Q At Harris Upham has it been your experience during
17 the years that up-to-date information is furnished to
18 Registered Reps with respect to latest rulings of the
19 Commission, or NASD, or various regulatory bodies, rulings
20 or regulations?

21 A As to commissions?

22 Q No. The Commission, the S.E.C.

23 A Yes. Yes.

24 Q In other words, if an interpretation has been made
25 of something by the S.E.C., or a statement has been made on

(Document above-referred to was marked
Plaintiff's Exhibit 75 for
identification.)

Q Did Mr. Mallett tell you that he had received this
wire from Al Key?

A No.

Q After Mr. Fisher's telegram was received can you
state when was the first time you heard what position the
company, Harris Upham, was taking officially with respect
to his demand?

A I did not hear anything about it.

Q Did you become aware ever that Al Key and others
in New York had decided not to comply with the cancellation
which Mr. Fisher had demanded in his telegram?

A Nothing that I can remember.

Q Did Mr. Fisher have anything to say to you about
it, about their attitude, or about their response?

A No.

MR. FOLEY: Off the record.

(Discussion off the record.)

MR. FOLEY: On the record. Mark this.

(Document above-referred to was marked
Plaintiff's Exhibit 76 for identifica-
tion, Telex of February 17.)

Q Tell me, do you know what was it that Mallett and

1 Key wished to discuss about Bartep at that time?

2 A I honestly don't think I know.

3 Q Did you know that they were involved in any
4 discussion at all?

5 A No.

6 MR. FOLEY: We will mark that as 77.

7 (Document above-referred to was marked
8 Plaintiff's Exhibit 77 for identifica-
9 tion, dated February 18th.)

10 MR. McALLISTER: Let's identify it as a wire from
11 Mallett to Key on February 18, 1969, at 10:16 a.m.

12 Q Now I believe you told me earlier in today's
13 testimony that when Mr. Fisher was calling up and hounding
14 you, which I think was your very apt phrase for it, it was
15 you he spoke to and not to Mr. Mallett?

16 A Correct. Yes.

17 Q In this Exhibit here, 77, I would like you to note
18 the way he described what Mr. Fisher was getting involved
19 in here.

20 A I never saw this wire.

21 Q I would assume, however, that whatever Mr.
22 Mallett's reaction was that led him to characterize what
23 Mr. Fisher is doing and what he would like Mr. Fisher to do
24 could only be based on the information he received from you
25 about the extent and frequency of Mr. Fisher's complaints

1 and phone calls?

2 A Every time I had a call with Mr. Fisher in respect
3 to the delivery of the certificates I was hounding Mallett,
4 let's get the stock out to Mr. Fisher, he wants his
5 certificate.

6 Q Do you see the reference in the second line of
7 that to send him stock as per INX. What is that word?

8 A Instructions.

9 Q Who told Mr. Mallett that a partial delivery
10 "would shut him up"?

11 A I don't know.

12 Q Do you think you would have at that time? Would
13 Mr. Fisher have been satisfied with a partial delivery? Do
14 you think it would have at that time?

15 A I don't know.

16 Q Do you know what led Mr. Mallett to say that it
17 would in this Telex?

18 A No, I don't. I never discussed a partial delivery
19 or a partial shipment.

20 MR. FOLEY: Off the record.

21 (Discussion off the record.)

22 MR. FOLEY: On the record.

23 Q With respect to Exhibit 77, which you just looked
24 at, you will note that the time of that is the 18th of
25 February.

1 A May I see that, please?

2 Q Yes.

3 A February 18th.

4 Q That was the day after Mr. Fisher had sent his
5 telegram. You can take it from me that it was in fact.

6 A You mean his telegram was the 17th?

7 Q His telegram was the 17th. Was there any dis-
8 cussion between you and Mallett or you and anybody else
9 or any discussion you were aware of between other people
10 following receipt of Mr. Fisher's telegram that contributed
11 towards the content of this Exhibit 77?

12 A No. Not with me.

13 Q Or anybody else that you heard?

14 A No.

15 Q You were unaware?

16 A I was aware that he sent the telegram.

17 Q Because he told you?

18 A He told me, but I was not aware of any discussion
19 between Mallett and anyone else.

20 Q Did anyone else tell you that the telegram had
21 been received?

22 A No.

23 Q You presumably told Mallett, I imagine?

24 A I presumably must have told him that Fisher sent
25 a telegram cancelling the trade. Yes.

1 Q Were you aware that even at that time after he had
2 received instructions from -- or after he had received
3 information that Fisher had decided to send a telegram
4 cancelling the sale in writing that Mr. Mallett was still
5 seeking to deliver securities?

6 A I lost track for a minute, so will you repeat
7 that, please.

8 (Question read.)

9 MR. McALLISTER: You'd better rephrase that
10 question.

11 THE WITNESS: It is not clear.

12 Q Were you aware that Mr. Mallett then on the 17th
13 knew that Fisher had decided to cancel the sale and had in
14 fact sent a written message to that effect, namely, a
15 telegram?

16 A Fisher did?

17 Q Yes.

18 A I don't know what Mallett was aware of. The only
19 thing I knew Mallett was aware of was what I told him.

20 Q Did Fisher say to you when he phoned you and told
21 you about this, did he indicate whether or not he had sent
22 this telegram on the same day he told you about it?

23 A Yes. I would say he told me on the day he sent it.

24 Q Acting on the assumption, which I think is a safe
25 assumption, that Fisher sent this telegram on the 17th of

1 February, he must have then told you on the 17th, correct?

2 A Yes, but I don't want to assume. You want me to
3 swear to something.

4 MR. FOLEY: I am not asking you to swear to it.

5 THE WITNESS: I am assuming he told me the day he
6 sent it.

7 MR. FOLEY: No. I am asking you to assume he
8 sent it on the 17th.

9 THE WITNESS: It is a matter of record he sent it
10 on the 17th.

11 Q I am asking you when he phoned you and told you
12 he sent this telegram did he then tell you it was on the
13 same day he sent it?

14 A Yes. It is the same assumption.

15 Q Was it on the same day you told Mr. Mallett?

16 A Yes.

17 Q Consequently Mr. Mallett according to this line
18 of testimony if you put the last few questions and answers
19 together the upshot is Mr. Mallett on the 17th knew of the
20 telegram because you had told him?

21 A Yes.

22 Q Were you aware that after that Mr. Mallett, namely,
23 on the 18th, indicated by Exhibit 77, Mr. Mallett was still
24 trying to not cancel the order but to get the securities
25 delivered?

1 A Expedite delivery.

2 Q To expedite delivery?

3 A Yes.

4 Q Was there any discussion as to whether or not
5 this now constituted a contradiction to the instructions'
6 that had been received from the customer?

7 A No.

8 MR. FOLEY: And then we have this other exhibit
9 here, which we will mark.

10 (Document above-referred to was marked
11 Plaintiff's Exhibit 78 for identification.)

12 Q Were you aware then that two hours after Mr.
13 Mallett had sent Exhibit 77, which you examined a few
14 moments ago, to Al Key, two hours later he had another one
15 following up, which is Exhibit 78, in which he is asking if
16 there is anything on Bartep? I am pointing out to you
17 there is only two hours difference.

18 A I was not aware. I did not see any of these
19 messages.

20 Q Do you consider a follow up like this within two
21 hours is, once again, an indication that Mr. Mallett was
22 treating this as a matter of some urgency?

23 A I would think so. Yes. I certainly told him in
24 no uncertain terms that it was an urgent matter.

25 Q May I ask you when did you tell him that it was --

1 did you say this to him on the date that these messages
2 were sent?

3 A I told him right along it was an urgent matter;
4 as soon as Harold Fisher asked me for his stock, I said, "Bob,
5 this is urgent. Let's expedite delivery," right along, every
6 day.

7 Q Did you then expedite deliveries even after
8 Fisher told you he no longer wanted the delivery, that he wanted
9 it cancelled?

10 A He did not tell me he no longer wanted deliveries.
11 All he told me he sent a telegram cancelling out. He did
12 not send me a telegram, but to H.U. in New York.

13 Q But you knew then he wanted to cancel?

14 A I knew it from the telegram he sent. He told me he
15 sent it. He was the only one who told me about the telegram.

16 Q When you knew he wanted to cancel you mean you
17 then told Mallett to get delivery which is a different
18 thing?

19 A I kept telling Mallett right along, get delivery.

20 Q You had been telling him this prior to then?

21 A Yes.

22 Q Prior to the phone call?

23 A Prior to the telegram.

24 Q Prior to the phone call from Fisher announcing
25 the telegram?

1 A Right.

2 Q How about afterwards?

3 A I don't remember. I probably told Mallett right
4 along to get delivery of the stuff.

5 MR. FOLEY: Mark this.

6 THE WITNESS: If he sent a telegram I would have
7 nothing to do with that. I presumed, you know.

8 MR. FOLEY: Mark this.

9 (Document above-referred to was marked
10 Plaintiff's Exhibit 79 for identification.)

11 Q I would like you to examine this Exhibit 79.
12 Before you examine anything else I would like you to look
13 first at the time stamp. Can you tell me what that signifies
14 or under what circumstances a time stamp like that is put on?

15 MR. McALLISTER: It is on the record what that is.
16 Will you go ahead? It is 6:45 p.m. I know what it
17 signifies. He has no knowledge of the back office
18 procedure.

19 MR. HARRIS: This is a New York copy.

20 MR. McALLISTER: Obviously.

21 MR. FOLEY: Let's do it this way and stipulate that
22 this signifies this message was sent.

23 MR. McALLISTER: At that time at or about that
24 time.

25 Q Then the next question is, is that the manner of

1 practice that is always done?

2 MR. McALLISTER: This is not the competent witness
3 for that question.

4 Q And the question that follows that is if that is
5 so --

6 MR. McALLISTER: You see there?

7 MR. FOLEY: What about Exhibit 75, which does not
8 have that?

9 MR. McALLISTER: You have to ask in New York for
10 that. You know that.

11 Q Now Mr. Mallett by this Exhibit 79 asked -- this
12 Exhibit 79 would indicate that somebody had asked Al Key
13 if the stock was transferred or had asked him some question
14 about its status?

15 A I can't say that.

16 Q Do you know whether Al Key sent this Telex in
17 response to Exhibit 78?

18 A I don't know.

19 Q Do you notice that Exhibit 79 is time stamped 10
20 minutes after the date that appears on 78. The date and time?

21 A 12:25, 12:35, 10 minutes, right?

22 MR. FOLEY: Right.

23 THE WITNESS: I wonder what this LA is here.

24 MR. HARRIS: It identifies the time stamp, the girl.

25 MR. FOLEY: The girl.

1 Q Do you know when prior to this Al Key had given
2 instructions to Mr. Mallett to contact the customer
3 referring to the last sentence of this Exhibit 79 which says,
4 "Have you been able to contact the customer?"?

5 A I don't believe that -- I am not aware of the
6 fact that Al Key gave Mallett any instructions to contact
7 the customer, and as far as I know Mallett never contacted
8 Mr. Fisher.

9 Q That would be your job?

10 A If there was anyone to contact, Mallett would say
11 to me, "contact Harold Fisher."

12 Q Did anybody ever indicate to you that you should
13 contact the customer after receipt of his wire cancelling
14 the sale?

15 A Not that I can recall.

16 Q Did you do so? Did you actually contact him at
17 any subsequent time to discuss his cancellation?

18 A No.

19 Q Did you contact him at any subsequent time to
20 inform him that stock was in transfer or about to be
21 delivered or anything else about stock?

22 A In the course of the conversation I might have
23 advised him the stock was in transfer. Yes.

24 Q Did you? Not might.

25 A Yes. I did tell him the stock was in transfer right

1 along.

2 Q I am talking about after receipt of his
3 telegram?

4 A The chances are I did.

5 Q But you can't say definitely?

6 A I can't pinpoint it definitely.

7 MR. FOLEY: If you can't be sure, you can't be
8 sure. I can't ask you to be sure if you are not.

9 Q At about this time, February 28th, did you become
10 aware of a plane crash in the Bahamas in which Boraks and
11 others were killed?

12 MR. McALLISTER: What is the date?

13 Q On or about?

14 A I don't want on or about. When was the date and
15 I will tell you exactly. When was the date of the crash?

16 MR. FOLEY: I don't know.

17 MR. McALLISTER: There is a newspaper clipping.
18 That's been produced. According to a newspaper
19 clipping that was produced under Rule 34 request -- I
20 can't identify either the paper or date of the paper,
21 but it is attached to some sort of private wire from
22 Mallett to Al Key, which was probably in letter form,
23 and it states in there that there was an airplane
24 accident on February 15th in the early morning hours
25 in which Bartep's president, Myron R. Boraks, and

1 Did you at the time on February 14th have any knowledge of
2 any rumors or things that Mr. Mallett had heard?

3 A No, I did not.

4 Q Concerning Bartep?

5 A I did not. I never saw this message.

6 Q You don't recall any conversation between Mr.
7 Mallett and yourself up to February 14th discussing Bartep
8 securities?

9 A I do not.

10 Q You had no knowledge that there were any problems
11 concerning transfer, delivery --

12 A Oh --

13 MR. HARRIS: I beg your pardon. I withdraw the
14 question.

15 Q I direct your attention to the handwriting on the
16 bottom. Am I correct in saying it says legend states --

17 MR. McALLISTER: Ledger.

18 Q -- either the word legend or ledger stock floating
19 around --

20 A I think it would say restricted. Is it good?

21 Q We have to assume that that handwriting was put on
22 in New York because this is a New York copy of the Telex
23 message received in New York, but all I am asking you is does
24 that help refresh your recollection as to whether you had
25 heard that there was any restricted, or ledger, or legend

1 stock floating around?

2 A I did not.

3 Q Mr. Cowan, I show you a message, handwritten
4 instructions, to a Telex clerk in New York, signed by Lobe,
5 New York cashier or cage department or margin department,
6 which seems to be addressed to you?

7 A Is this Exhibit 80?

8 MR. McALLISTER: That is correct.

9 MR. HARRIS: It is marked Exhibit 80.

10 Q Do you recall seeing a Telex message on the white
11 paper that the Telex machines use repeating the substance
12 of this particular message?

13 A I do not. I don't recall seeing this message.
14 Is this a message that Lobe would write out in longhand
15 and send by way of Telex? I honestly don't remember that
16 message. Now it is quite possible --

17 Q I also call to your attention that it is time
18 stamped February 27, 1969.

19 A It is quite possible that Mr. Mallett may have
20 gotten it, even though it is addressed to me, it is quite
21 possible that Mr. Mallett might have gotten the Telex
22 message, and I never saw it, which has happened in the past.

23 Q Then is it fair to conclude as far as your
24 testimony is concerned that you did not undertake to wire
25 Bill Smythe as this message requests you to do?

1 A I definitely would not wire Mr. Smythe. If I
2 would send a message to Mr. Smythe or anyone else with the
3 exception of Mr. Larry Lobe I don't believe it would have
4 gone through. I mean it would have been stopped here before
5 it hit the Telex. I am telling you, Mr. Mallett controlled
6 that very strongly with Lil.

7 Q So you are testifying that due to office
8 procedures that were then in force under Mr. Mallett you
9 would not have been in position on your own to wire Mr.
10 Bill Smythe?

11 A No.

12 Q You would not have been in position, No. 1?

13 A No.

14 Q And, 2, not just generally but specifically in
15 response to this message which you do not recall receiving
16 is it your testimony that you did or did not wire Mr. Bill
17 Smythe with or without Mr. Mallett's permission?

18 A I did not.

19 Q You are positive about that?

20 A Positive.

21 Q Mr. Cowan, I would like you to look at not only
22 this Plaintiff's Exhibit No. 80, concerning which you have
23 just testified, which happens to be time stamped February
24 27th, being the inauguration of the Telex message from
25 New York to Florida, but I'd like you to look at in bulk

1 Exhibits 81, 82, 83, 84, 85, 86, 87, 88, 89, which are
2 time stamped through February 28, 1969.

3 (Whereupon, documents were handed to witness by
4 counsel.)

5 A Okay.

6 Q Now, Mr. Cowan, having looked at all these
7 messages and handwritten and Telex messages, some of which
8 are duplicates, do you recall during that period of time
9 from February 21, February 26, February 27, February 28,
10 having anything to do with these messages or the substance
11 of the messages? That is, did you have any conversation
12 with Mr. Mallett when he would receive one of these messages
13 or when he would send one of these messages?

14 A The only conversation I had with him on any of
15 these messages was when I was advised that they had shipped
16 partial 2000 shares to the bank and the bank refused the
17 certificates because they had no instructions.

18 MR. McALLISTER: Referring to Plaintiff's Exhibit
19 88.

20 Q Do I understand you to say then that actually you
21 had nothing to do, it was just something was brought to your
22 attention that a partial shipment had been made?

23 A That is correct. Yes. That is correct.

24 Q But you were not asked or you did not participate
25 in any decision as to what to say in the messages?

1 A No. I was not.

2 Q At the risk of being repetitive, he was merely
3 showing you that a partial delivery had been made?

4 A That is correct.

5 Q And it is also now your recollection although
6 these messages do not reflect it that the partial delivery
7 had subsequently been rejected?

8 A True.

9 Q By the financial institution, the bank?

10 A That is correct.

11 MR. McALLISTER: Off the record.

12 (Discussion off the record.)

13 MR. HARRIS: On the record.

14 Q Mr. Cowan, For clarification purposes, had you
15 been advised by Mr. Mallett that a partial shipment had
16 been made to a bank for the account of Harold Fisher at the
17 time it was made or subsequent to the time it had been re-
18 jected by the bank?

19 A Subsequent to the time it had been rejected.

20 Q Mr. Cowan, I now ask you to look at 90(a), 90(b),
21 91(a), 91(b) and 92.

22 A Okay.

23 Q Now, in looking at these messages do you recall
24 whether you had anything to do with the sending of any
25 messages by Mr. Mallett to New York or the replies from New

EXCERPTS FROM DEPOSITION OF S. LONG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAROLD FISHER, :
 :
 Plaintiff, :
 :
 -against- :
 :
 HARRIS, UPHAM & CO., INCORPORATED, :
 :
 Defendant. :
-----X

445 Park Avenue
New York, N.Y.

June 9, 1972
2:15 p.m.

Before:

HON. JOHN T. GALGAY,

Special Master

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----X

5 HAROLD FISHER, :

6 Plaintiff, :

7 -against- :

8 HARRIS, UPHAM & CO., INCORPORATED, :

9 Defendant. :
10 -----X

11
12 Deposition of defendant HARRIS, UPHAM &
13 CO., INCORPORATED, by SCOTT LONG taken by plaintiff
14 before HON. JOHN T. GALGAY, as Special Master,
15 pursuant to notice and order, at the offices of
16 Messrs. Regan Goldfarb Powell & Quinn, 445 Park
17 Avenue, New York, New York, on June 9, 1972, at
18 2:15 p.m., before Richard Greenspan, a Shorthand
19 Reporter and Notary Public within and for the State of
20 New York.
21
22
23
24
25

APPEARANCES:

Messrs. LIVINGSTON LIVINGSTON & HARRIS
Attorneys for plaintiff

292 Madison Avenue
New York, New York

BY: Messrs. KAPLAN KILSHEIMER & FOLEY
122 East 42nd Street

New York, New York 10017

BY: DERMOT G. FOLEY, ESQ.

ALAN HARRIS, ESQ.,

Of Counsel

Messrs. GIFFORD WOODY CARTER & HAYS
Attorneys for defendant

One Wall Street
New York, New York 10005

BY: MICHAEL J. McALLISTER, ESQ.,

Of Counsel

oOo

S C O T T L O N G, called as a witness by
plaintiff, being duly sworn by the Notary Public
(Richard Greenspan), testified as follows:

EXAMINATION BY MR. FOLEY:

Q What is your name?

A Scott Long.

Q Where do you reside, Mr. Long?

A 260 West 11th Street, New York, New York 10014.

MR. McALLISTER: Off the record.

(Discussion off the record.)

Long

4

1
2 MR. McALLISTER: On April 19, 1972,
3 ^{Simpson}
4 I asked Mr. Simon of the Fort Lauderdale office to
5 search his files for documents which were requested
6 by plaintiff's counsel in a handwritten sheet, and
7 I have just produced those documents which are
8 available from Harris, Upham to plaintiff's counsel.

9 Other than the documents produced, we
10 have no documents. By "we," I mean Harris, Upham.

11 THE SPECIAL MASTER: Would you further
12 describe the number of documents called for in the
13 handwritten sheet so that the record will give
14 some indication as to the extent of your--

15 MR. FOLEY: The handwritten sheet contained
16 twelve items, number 4 of which has three sub-parts,
17 4A, 4B and 4C.

18 No responsive documents have been produced
19 with respect to the first three items and also with
20 respect to item number 10.

21 With respect to item 4A, the new account card
22 for Rubino was not produced, but for Padula was.

23 With respect to item number 8, the document
24 marked this morning as Exhibit 143, is described to
25 me as being responsive to that.

With respect to item number 9, there are

1
2 three telexes which would be responsive to that
3 item, but only the first and third have been produced
4 and the second has not been produced.

5 THE SPECIAL MASTER: Mr. McAllister, was there
6 any quarrel with Mr. Foley's statement as to what
7 has been produced?

8 MR. McALLISTER: No, there is none.

9 MR. FOLEY: With respect to items 6
10 and 12, a collection of documents that have been
11 produced that are too bulky for me to examine and
12 state whether or not they are complete. We will
13 have to do it separately.

14 Mr. McAllister and I have indicated to one
15 another that we will probably get together after the
16 deposition today to see if we can organize that.

17 MR. McALLISTER: Off the record.

18 (Discussion off the record.)

19 BY MR. FOLEY:

20 Q Mr. Long, are you employed by, an officer of, or
21 otherwise associated with the defendant, Harris, Upham?

22 A Yes, to all.

23 Q What is your position at Harris, Upham?

24 A I am a director, member of the executive committee,
25 vice president, secretary of the corporation.

A I don't recall that we did.

A It came up subsequently. I don't recall at this
e when it came up.

(Discussion off the record.)

A What next? I don't recall what or when.

I am referring to this for the possible purpose of refreshing your recollection. I am referring to Exhibit 77.

A I have looked at Exhibit 77 and I do not now recall that I saw this exhibit on its date, February 18, 1969. Neither do I recall that I discussed the contents

1
2 of it.

3 Q Or the subject of making a delivery to the
4 customer of the certificates?

5 A I do not recall such a conversation.

6 MR. McALLISTER: On that date?

7 THE WITNESS: On that date, on February
8 18, 1969.

9 Q Do you recall any discussion then or shortly
10 thereafter with respect to any transfer problem in Bartep
11 shares?

12 A There was never any transfer problem with respect
13 to Bartep shares.

14 Q Are you making that statement as a statement of
15 absolute fact?

16 A Correct. There was a problem with the
17 certificates, not with the shares.

18 Q I would like to make one thing clear. Anytime I
19 ask a question and I happen to use the word "shares,"
20 would you find it unusually difficult if I use the
21 words shares and certificates interchangeably?

22 A I would find it very difficult because they are
23 not interchangeable.

24 Q What is your problem in that respect?

25 A I have no problem. A certificate is a--

MR. FOLEY: May I have the question reread and we will just change the word "shares" to "certificates," and see if that is illuminating.

(Question read.)

MR. FOLEY: I now amend the question by substituting the word certificate for shares.

A I now recall that subsequent to February 17, 1969, I was made aware of the situation with respect to the transfer of Bartep certificates.

Q Who made you aware of it?

A Bill Smythe.

Q Will you explain the circumstances and time when you received this information?

A I cannot recall the time. It was subsequent to February 17, 1969. I was told by Bill Smythe that certificates for Bartep had been sent to the transfer agent, that the transfer agent at the time of the sending of the certificates was located, I believe, in Florida and, I believe, in Miami Beach. I am not certain.

That subsequent to the time the certificates-- which was in late 1968--were sent to the transfer agent in Florida, Bartep changed its transfer agent to a transfer agent in New Jersey, which I believe is R&T, referred to as R&T, and that the certificates which

1 Harris, Upham had shipped--had mailed to Florida had
2 been- had not been mailed back to Harris, Upham but had
3 been mailed to R&T in New Jersey or delivered there in some
4 manner by either Bartep or the--the company Bartep
5 or by its Florida transfer agent, and that R&T in
6 New Jersey, as its role as the new transfer agent for
7 Bartep, was unable to transfer certificates because R&T
8 had not received new blank certificates from the issuer.

9 Q In terms of trying to place a time on this--while
10 I recognize you say you don't recall the precise time, do
11 you know was it during the month of February?
12

13 A I don't recall.

14 Q Do you know whether it was before suit was
15 instituted?

16 A I am certain it was.

17 Q Do you have an actual recollection of the
18 occasion when it happened?

19 A Well, I can pin the time down. It was between
20 sometime--sometime between February 17, 1969, and, I
21 would say, the end of March 1969. It was within the
22 month.

23 THE SPECIAL MASTER: Do you have a
24 document that would pinpoint his memory?

25 MR. FOLEY: No.

1
2 Q At the time that Mr. Smythe told you this, did
3 he show you any of the documentation relevant to the
4 facts that he had related to you, such as communications
5 he had received from R&T, let us say?

6 A Bill Smythe showed me documents. The documents
7 did not relate to the absence of blank certificates at
8 R&T. I never saw a document and I haven't to this
9 day seen a document that would relate to the absence of
10 such certificates.

11 He did show me documents relating to the
12 transfer of R&T--of Bartep certificates which he had
13 received from R&T.

14 Q Were these R&T letters saying that for one
15 reason or another they were not transferred and referring
16 them to the attorney for the company?

17 A I don't recall exactly what the document said.
18 It was a document, as I recall it, from R&T addressed to
19 Harris, Upham.

20 Q Let's refer to Exhibits 39, 48--

21 MR. McALLISTER: 43, I think. I'm sorry,
22 you're right.

23 MR. FOLEY: There is one for February 24.
24 What was the number on that?

25 MR. McALLISTER: February 24? I don't think

1
2 it was ever marked.

3 MR. FOLEY: Have you got it? We might
4 as well get it in now.

5 MR. McALLISTER: Have I got it?

6 MR. FOLEY: Yes.

7 MR. McALLISTER: Off the record.

8 (Discussion off the record.)

9 THE WITNESS: Will you please mark
10 as Plaintiff's Exhibit 175 what purports to be a
11 letter from Registrar & Transfer Company dated
12 February 24, 1969--

13 THE SPECIAL MASTER: Is that R&T?

14 THE WITNESS: Registrar & Transfer
15 Company--

16 MR. McALLISTER: Who is the addressee?

17 THE WITNESS: Without an addressee.

18 (Letter dated February 24,
19 1969, from R&T Company, marked
20 Plaintiff's Exhibit 175 for
identification as of this
date.)

21 BY MR. FOLEY:

22 Q We have a few documents here which, for the
23 record, we can identify as Exhibits 39, 43, 48, 130
24 and 175.

25 Were these among the documents that Mr. Smythe

2 showed to you when he described to you what the
3 transfer problem was?

4 A Some of these exhibits were. I am not certain
5 that Plaintiff's Exhibit 43 was, but it may have been.
6 I don't recall.

7 Q How about Exhibit 130.

8 A I did see this--

9 Q At that time?

10 A At a time subsequent to March--subsequent to
11 February 17, 1969, and within the month of March 1969.

12 Q You will note that as far as Exhibits 43, 48
13 and 39 are concerned, these are all dated in January and
14 on their face I think it can be fairly said they would
15 seem to indicate that rejected shares were returned on
16 those dates or thereabouts from the transfer agent.

17 MR. McALLISTER: I object to the form
18 of the question, including the word rejected. They
19 were returned.

20 A The documents mentioned in each case state--
21 evidently as a form, "We are returning herewith by (blank)
22 class mail, the following certificates for common stock
23 of --," whatever that suggests, I don't know.

24 Q Did these documents at the time indicate to
25 you that Registrar & Transfer Company had not completed

the transfer of these securities and had returned them to Harris, Upham, these certificates?

A The former, but not necessarily the latter. They indicated to me that R&T had not made the requested transfer of the certificates. At this point I don't know whether they indicated to me that the certificates were physically within Harris, Upham's possession.

Q Did Mr. Smythe tell you what had transpired with respect to these certificates from those dates in January until when he spoke to you?

A I can't recall a specific conversation that would relate to your question.

Q Let's put it this way. In your view, viewing now the regular course of business in a firm such as Harris, Upham, when these securities are--when this happens when these securities are not transferred and a letter comes similar to these which you have here--what do you consider it appropriate to do?

A Well, the first thing I would do if this happened today and these letters came in, I would--the first thing I would do is I would want to look at the certificates to ascertain the reason the transfer agent would not transfer the certificates.

Q Well, now, do you know or did you know then, let's put it that way, or did Mr. Smythe tell you whether or not he had done that?

A I can't recall whether Bill Smythe--whether I had a conversation with Bill Smythe about those--about the certificates mentioned in these January letters, 43, 48, 39, at the time he brought to my attention that the certificates were not transferred.

At some point Mr. Smythe did indicate to me the reason he had been told that the certificates would not transfer.

Q Was that the reason you gave me before, that blank certificates were not available to the transfer agent?

A That is not.

Q What was the reason that he related to you?

A At some point in time following a time that Mr. Smythe showed me the five exhibits previously referred to, Bill Smythe told me that he had been told that the shares represented by the certificates Harris, Upham had submitted for transfer may not have been legally registered on the books of the issuer and may not have in fact been legally issued by the issuer's office.

Q To follow that, was the implication, then, that

these securities were forgeries or altered securities of some sort or could have been?

A No. No such inference would be reasonable.

Q Can you give us any more detail about the problem there other than saying just that they are not on the books of the company? Was there any information or belief as to just what the nature of the problem was?

A I believe I did not testify that they were not on the books of the company; that I testified they were not legally issued by the company.

Q Right.

A And in this period of time, my best recollection is that it's sometime during March of 1969, I was told by Bill Smythe that certain certificates, and I could not identify the certificates--he had been informed by the transfer agent or by someone else that certain certificates had not legally been issued by the officers of the company, by Bartep.

Q What was he doing about that?

A What was Bill Smythe doing?

Q Yes.

A My recollection is that after these letters, Exhibits 175, 130, 39, 48 and 43 were shown by Mr. Smythe to me and after we discussed it, that either he or I or

1
2 someone at Harris, Upham attempted to comply with the
3 request of Registrar & Transfer Company contained in
4 these exhibits, that we obtain opinion from counsel
5 for the company, that is Bartep, setting forth the
6 statutory reason to permit the transfer of the stock under
7 the existing regulations of the Securities Act of 1933
8 as amended.

9 Q At that time were you aware that these were
10 securities which had been obtained in execution of the
11 order of Mr. Fisher which he had then attempted to
12 cancel?

13 A I have never been aware of any securities having
14 been so obtained.

15 Q At the time that you discussed this matter of
16 these certificates with Mr. Smythe--off the record.

17 (Discussion off the record.)

18 Q Is it proper to say that you had no knowledge one way
19 or the other of any relationship that existed between the
20 order placed by Mr. Fisher and these particular certificates
21 which are referred to in these documents?

22 A Well, now, let's take the documents one by one
23 because I believe that the documents refer to different
24 transactions.

25 Q Yes.

1
2 A With that assumption in mind, I can say that at
3 the time Bill Smythe and I discussed this, I was made
4 aware that some of the stock certificates, whose
5 numbers are contained in these five exhibits, were stock
6 certificates which had been delivered to Harris, Upham in
7 satisfaction of Harris, Upham's purchase for Mr. Fisher of the
8 5000 share order that he had given.

9 Q Did you inquire or find out when you had your
10 discussion with Mr. Smythe whether or not any shares of
11 Bartep were being transferred at this time?

12 A Whether any certificates were being transferred?

13 Q Any certificates.

14 A My recollection now is that some certificates
15 may have been transferred around the month we are taking
16 about, March 1969. That's my present recollection. I
17 have no recollection of a conversation with Mr. Smythe
18 in which I may have had such a conversatn, but I have no
19 recollection that he told me that some were being, but
20 I would say my recollection is that none of the
21 certificates mentioned here--

22 Q Right.

23 A Well, I just don't know. By March I don't know
24 whether the certificates had been transferred or not.
25 I don't know.

1
2 Q Did you have any discussion with Mr. Smythe, then,
3 or with anybody else at about that time with respect to
4 this transfer question as to what, if anything, might
5 be done with the selling brokers who had delivered these
6 shares to Harris, Upham?

7 A I don't recall.

8 Q Do you know whether there was any communication
9 with those brokers for purposes of asking them to deliver
10 other securities or to take back the shares since transfer
11 was not being completed and return the money?

12 A I do not recall.

13 Q Do you know whether it would be the normal course
14 of business to do so?

15 A I do.

16 Q What would be the normal course of business
17 there?

18 A Well, each case would depend on its own
19 set of facts. If you had a case, and it may well have
20 happened in the Bartep case, where for one reason or
21 another the transfer agent would not transfer the certifi-
22 cates and you had a letter, as we had, from R&T Company
23 requesting that you obtain opinion of the counsel of
24 the issuer which would enable the transfer agent to make
25 the requested transfer of the certificates, the normal

1
2 course of business and most expeditious thing to do would
3 be normally to write or call up the attorney for the
4 issuer and explain to him the circumstances which had
5 been related to you by the transfer agent and attempt to
6 get such information from the attorney as would expedite
7 the transfer of the certificates.

8 Q Now, as I understand the testimony we have
9 heard from you and from other witnesses, when such a thing
10 was done in this case the report back from the attorney
11 was that there was a problem as to whether or not some
12 shares had been legally issued?

13 A At what point that information came into play,
14 I don't now recall, but it could well have been that
15 the attorney, whose name I think is mentioned here
16 as Mr. Abnee--and there are two Mr. Abnee's, I don't know
17 which one it is--a Chester Abnee, at that point that
18 could have been the point that Mr. Smythe's information
19 was received that there was a problem of whether some of
20 Bartep's certificates had been legally issued by the
21 officers of Bartep.

22 Q Add that fact now to the factual considerations
23 that we had a moment ago, when you see that there is a prob-
24 lem like that added on, is it normal then to approach the
25 selling brokers and say anything?

1
2 A Well, as I indicated before, each case would
3 depend on its facts. If the issuer's attorney told us
4 that he was working on the problem and that he would
5 attempt to get the requested information, I think we
6 would go with the issuer's attorney. I think that would
7 be--the main consideration is to get the certificates
8 transferred.

9 Q Tell me, would you consider it normal,
10 under those circumstances, to inform your customers what
11 was happening with respect to their shares?

12 MR. McALLISTER: I object to the form
13 of the question and also on the grounds that--the
14 grounds of relevancy, namely the use of the term
15 "their shares."

16 MR. FOLEY: All right. These shares.
17 Shares involved in a situation like this. Shares
18 obtained in execution of their orders.

19 MR. McALLISTER: I withdraw the objection.

20 A I am not certain that I understand the question.

21 THE SPECIAL MASTER: Why don't you restate
22 it.

23 Q Well, you have indicated that when problems
24 such as this arise, you do contact the attorney for the
25 company, if that was the advice received from the transfer

1
2 agent, and you do attempt, if the attorney informs you
3 that he is making efforts to clarify a problem so that
4 the certificates will become transferrable, that your
5 tendency is to go along with him and get the transfer
6 completed.

7 Then the next question I asked you was that when
8 a situation such as that arises and when a question is
9 raised which requires clarification by the company's
10 attorney such as happened here, is it normal practice
11 then to inform the customers, whose orders resulted in
12 these shares being--or these certificates being in your
13 hands and going from your firm to the transfer agent,
14 informing those customers of what has transpired and
15 what the problem is in the transfer?

16 A I think each case would depend on its own
17 facts. All the facts concerning a particular transaction
18 that you were involved in.

19 Q Let's assume the fact that we are talking about.
20 Do they present a problem? Better still, do you know in
21 this instance right here whether any customers were
22 informed of the particular transfer problem involved?

23 A I don't recall whether they were. They may have been.
24 I don't recall whether they were. They may have been. They
25 may not have been. I don't recall.

1 Q Assuming the facts exactly as they are here and
2 as you have testified to them, what would you think
3 would be the proper or the normal course of action to take
4 with respect of whether or not to inform the customers?
5

6 A As I say, there is no normal course of action.
7 The prime objective is to obtain the transfer. If that's
8 what your customer desires, then you want to get the
9 certificates transferred as quickly as possible.

10 Q When you say--

11 A As to what's proper, that's--again, that's a
12 conclusion that depends on all the factors that you
13 consider.

14 Q Once again, limiting ourselves to the facts
15 of this case--

16 A Of the Fisher case?

17 Q No. The instance here of these certificates
18 that had been returned from the Registrar & Transfer Company
19 and the subsequent fact of the contact with Abnee^Y and
20 what he had stated with respect to the possibility of some
21 certificates not being legally on the books and he
22 was doing his best to clarify it. Assuming that fact
23 pattern which you testified to, I am asking under those
24 circumstances is it normal or would you consider it proper
25 and appropriate to inform the customers whose transactions

1
2 were involved what the transfer status was and what the
3 problems were that were being encountered?

4 A I could see no--I will put it this way. If
5 there is some useful purpose that could be served by such
6 communication with a customer or with this customer in
7 this case, with Mr. Fisher, if it could serve a useful
8 purpose, then it would be proper to so communicate.
9 If it served no useful purpose, there would be no point
10 in doing it.

11 Q By that do you mean you would have to know some
12 special circumstances that would present an unusual
13 need on his part to know this information before you would
14 consider it appropriate to let him know?

15 A No, I wouldn't say that.

16 Q Then I would like to pursue it a little
17 bit here.

18 MR. McALLISTER: You sure are.

19 MR. FOLEY: Off the record.

20 (Discussion off the record.)

21 Q Can you tell me what are the factors that you
22 would consider in deciding whether or not there was any
23 particular useful purpose to be achieved by informing the
24 customer?

25 A Yes.

1
2 MR. McALLISTER: I object to this.

3 I think we are getting argumentative. You are
4 saying what are the factors that you take into
5 consideration.

6 MR. FOLEY: The witness has testified that--
7 I have asked him whether it would be appropriate
8 and proper to let a customer know. He said it
9 depends on whether any useful purpose can be served.
10 I think we are going in circles and I want to end it.

11 THE SPECIAL MASTER: Why don't
12 you include in your question that there has been a
13 demand made in the shares in the first place and now
14 a cancellation, would that have any bearing on his
15 judgment as to whether or not he would communicate
16 difficulties.

17 MR. FOLEY: I will adopt that.

18 A I want to get away from what is normal and
19 proper. In this case at this time, sometime in March
20 there were in the records of Harris, Upham a written
21 demand for cancellation. There were also written requests
22 that Mr. Fisher receive the stock which he had
23 purchased.

24 Now, with that in mind the primary thing to do,
25 since we had turned down the cancellation, the prime

1
2 objective would be to get certain certificates transferred
3 into a name in which the customer had requested and
4 get them out, get them out to the customer or to his bank.

5 It would serve no useful purpose, under such
6 circumstances, to call up the customer and say, "We have
7 this problem, we have that problem. We are working on
8 it." The prime objective would be to get those
9 certificates transferred into the form which the
10 customer asked for and have them delivered out.

11 Q As I understand it at this time--if I understand
12 your former testimony correctly, you were not aware of
13 the extent, if any, to which Mr. Fisher had been communi-
14 cating with the office in Miami Beach requesting informa-
15 tion, delivery, cancellation, refund of his money, et
16 cetera, with respect to this transaction during January,
17 February and March?

18 A Well, I am aware of what you summarized as
19 Mr. Cowan's testimony.

20 Q Yes.

21 A And I think you said that during part of
22 January--Mr. Cowan testified that during part of January,
23 Mr. Fisher was hounding him for some action.

24 Q That was the quote, yes.

25 A After January there are certain documents, some of

1 which I have seen today, requesting transfer and delivery
2 out of the certificates. I was aware--I am aware and
3 I was aware then that Mr. Fisher wanted his stock.
4

5 Q You were aware that he wanted his stock when?

6 A When did I become aware that he wanted--

7 Q No. When did he want his stock, because as I
8 understand it now--we have testimony that after the 17th
9 of February, he wanted a cancellation and his money.

10 A We have no testimony. We have Exhibit A that
11 demands cancellation. We also have other exhibits, some
12 of which, as I said, I have seen today, which requested
13 the delivery of the stock to Mr. Fisher.

14 Q Have you seen anything that would indicate to
15 you that Mr. Fisher had a particular desire to know
16 what was happening to his transaction?

17 THE WITNESS: Could you repeat the last
18 five words of that as to what was happening?

19 Q To his transaction, to his order and the
20 securities purchased pursuant thereto.

21 A That would go all the way back to October 20,
22 1968, when his first order was executed.

23 Q No. I am talking now during January, February,
24 March. In particular March. Let's stick with March.

25 Do you know any reason now why Mr. Fisher would

* * *

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 ----- x
4 HAROLD FISHER, :

5 Plaintiff, :

6 -against- :

7 HARRIS UPHAM & CO., :

8 Defendant. :
9 ----- x

10 EXAMINATION BEFORE TRIAL of the Defendant, by
11 ROBERT M. MALLETT, taken by the Plaintiff, pursuant to
12 notice, at the Sun City Motel, 17375 Collins Avenue, Miami
13 Beach, Florida, on Wednesday, March 29, 1972, commencing
14 at 11:15 o'clock a.m.

15 APPEARANCES:

16 MESSRS. LIVINGSTON, LIVINGSTON & HARRIS

17 Attorneys for Plaintiff

292 Madison Avenue

17 New York, New York,

18 By: ALAN HARRIS, Esq.

-and-

19 MESSRS. KAPLAN, KILSHEIMER & FOLEY

122 East 42nd Street

20 New York, New York,

21 By: DERMOT G. FOLEY, Esq.,
of Counsel.

22 MESSRS. GIFFORD, WOODY, CARTER & HAYS

Attorneys for Defendant

1 Wall Street

23 New York, New York,

24 By: MICHAEL J. McALLISTER, Esq.,
of Counsel.
25

1 IT IS HEREBY STIPULATED AND AGREED by and between
2 the attorneys for the respective parties hereto that
3 the sealing and filing be and the same are hereby
4 waived;

5 It is further stipulated and agreed that all
6 objections, except as to the form of the question,
7 shall be reserved to the time of the trial; and

8 It is further stipulated and agreed that the
9 within examination may be signed and sworn to before
10 any notary public with the same force and effect as
11 though signed and sworn to before the Court.

12 *****

13 R O B E R T M. M A L L E T T, having been first duly
14 sworn, was examined and testified as follows:

15 EXAMINATION BY MR. FOLEY:

16 Q Mr. Mallett, for the record will you give your
17 name and home address?

18 A Robert M. Mallett, 2015 Arch Creek Drive, North
19 Miami, Florida.

20 Q Mr. Mallett, are you employed by Harris &pham &
21 Company?

22 A I am.

23 Q How long have you been employed by them since?

24 A December, 1949.

25 Q Have you had the same position with the company

since say October 1, 1969?

3

A Yes. I have been manager there since the end of 1960.

Q That is manager of the Miami office?

A That is right.

Q Since the end of 1960?

A Yes.

Q As I understand it, you are now handing over the reins to a new manager, is that correct?

A Yes.

Q When did your term as manager end?

A February 1st.

Q Of 1972?

A That is right.

Q As manager of the office can you briefly describe your duties to the extent that they pertain to dealings with customers?

A Well, every segment of every order, I watch every order, customer relations I have to watch and see that all orders are checked constantly. I could go on for hours and tell you what I have to do.

Q Let's get on to the business of orders. When an order is made it is made by a Registered Rep, is that correct?

A Yes.

* * *

1 Q Ben Cowan, in other words?

2 A Because Fisher is asking him to see if he could
3 find a market, and that is all he could do.

4 Q And that was the dates, as I recall?

5 A They are all for Cowan.

6 MR. HARRIS: They are the 13th and 14th.

7 THE WITNESS: 13th and 14th.

8 Q I would like to show you Exhibit 77, and ask you
9 if you recall, and 78, and ask you if you recall those two?

10 A Yes, I recall this one.

11 MR. HARRIS: Which one?

12 THE WITNESS: This one.

13 Q This is 77. Now, Exhibit 77 you stated that the
14 only solution is to send presumably the customer some
15 stock, right?

16 A Yes.

17 Q Who told you or what was the basis of your information
18 that a partial delivery would satisfy Harold Fisher?

19 A Give me that one again.

20 Q If you look at 77 again you made a recommendation
21 that a partial shipment, will, as you said, shut him up. I
22 presume you mean satisfy him?

23 A Satisfy him temporarily anyway.

24 Q Did he tell you that?

25 A No.

1 Q Did anyone tell you that?

2 A No, but I probably thought it, as long as you get
3 the thing started, in other words, maybe he would.

4 Q But you had no indication from the customer that
5 this would be satisfactory?

6 A None whatsoever.

7 Q Two hours later you sent him the Exhibit 78?

8 A Ben must have been hot that day.

9 Q Do you know whether or not at that time you knew
10 about the cancellation which had been sent in by this wire,
11 Defendant's Exhibit A?

12 MR. McALLISTER: He's already testified on the
13 record that Ben Cowan told him about the cancellation.

14 MR. FOLEY: He did not say when.

15 THE WITNESS: All right. It will be after
16 February 17th. That is all.

17 Q It could be on February 17th, too, couldn't it?

18 A I don't think -- could have been -- I don't know.

19 Q But you don't know, in other words, at that point
20 whether or not you knew?

21 A That is correct.

22 Q On the 18th here?

23 A That is correct.

24 Q Getting on to Exhibit 79 here, can you tell us,
25 that is the same day again, the 18th, I think it was, late

1 in the afternoon.

2 A The 18th, yes.

3 Q By then did you know whether or not the cancellation
4 telegram had been sent?

5 A Yes. It is the same. I don't remember that;
6 there's too many details you are asking me to remember.

7 Q I would like to return to Exhibit 64 for a moment.
8 On reading this message from Al Key to Larry in Fort
9 Lauderdale, I note the fact that the message says that they
10 do not wish to do business in this stock. Then they say
11 even if Wesco is making the market, and I read that myself as
12 being that regardless of who is making the market they don't
13 want to do business in the stock. I want to ask you now
14 this question. Were you aware of this, that the company,
15 Al Key in particular, did not want to do business in this stock?

16 A No. I had no message like this, so how could I know?

17 Q I don't know whether you had a message like that.

18 A No.

19 Q I am asking you whether or not you had received
20 that information?

21 A No. What is the date of this?

22 MR. HARRIS: February 7th.

23 Q Now, Exhibit 79 indicates that Bill Smythe was
24 working on details of stock transfer, and would like to call
25 you. Did you talk to Bill Smythe about this?

1 A No. I talked to Al Key.

2 Q You talked to Al Key on that day about it?

3 A Yes. I don't know the date.

4 Q Can you tell us what that discussion was on or
5 about that date, can you tell us the substance of what you
6 said to him and what he said to you?

7 A You know, you see something written and it might
8 bring something, but a phone conversation, no. I could not
9 tell you what we discussed. I know we discussed this stock,
10 and that is it. Period.

11 Q Do you know whether or not you discussed the fact
12 that a cancellation telegram had been sent to the company,
13 if you know?

14 A No, I don't remember what I discussed with him.

15 Q Do you know whether there was any discussion
16 about any transfer difficulties?

17 A No.

18 Q Do you know whether there was any discussion of
19 any difficulty with the transfer agent or with regard to
20 the transfer agent?

21 A No, I just surmised that since Mr. McAllister is
22 down here. I don't know that at all.

23 Q The frank fact of the matter is you have a
24 document that indicates Al Key would like to call you. You
25 don't recall the content of any subsequent conversation with

1 him, and, in fact, I want to ask you this, do you recall
2 whether or not the call he said he would like to have with
3 you after lunch was in fact made? Did you in fact talk to him?

4 A That I can't answer that because half of the time
5 they send you a wire, can I call you, and you say yes, and
6 three days later they call you.

7 Q So the frank answer is you are not sure if any
8 conversation took place?

9 A No. Absolutely.

10 Q I would like to show you again 70(b), which you
11 reviewed before, this is the Telex dated 14 of February at
12 9:24 in the morning. Now I would like you to read it
13 again, and note the last part of the message.

14 A The things I was hearing from Mr. Fisher, I did
15 not know what was going on in the stock, Mr. Fisher was on
16 Ben Cowan's neck every minute and he was on mine. I wanted
17 to get this thing cleared up. That is all.

18 Q You wanted to get Harris Upham out of the picture,
19 is that it?

20 A Sure. I wanted them to deliver the stock, and finish.
21 That is the end of it.

22 Q You don't recall hearing anything adverse about
23 Bartep at that point?

24 A I did not know a thing about Bartep, and neither
25 did anybody else.

1 Q In other words, the only thing you had heard, is
2 this correct, which you are referring to here, was the
3 fact that Cowan was telling you that Fisher was complaining
4 about the fact of not getting the stock?

5 A That is correct.

6 Q You had not heard anything otherwise wrong about
7 this stock?

8 A I had not heard anything, because there was no
9 record. There was nothing about the stock any place.

10 Q Had you heard any rumors about a problem with this
11 stock or with this company?

12 A We did not even know really if there was actually
13 a company.

14 Q But you had not heard any rumors at all?

15 A No.

16 Q So the things you don't like, the things you have
17 been hearing you did not like --

18 A Is what Ben Cowan was telling me.

19 Q Namely?

20 A That Harold Fisher wanted his stock, and that is
21 it. Period.

22 Q Your description of Exhibit 71, an hour later, was,
23 I believe, Cowan, that somebody was pushing on it?

24 A Yes.

25 Q Did you get a response to either of these two you

1 recall?

2 A I don't recall.

3 Q The following morning bright and early you sent
4 another one, that is Exhibit 76?

5 MR. McALLISTER: That is a misstatement. The
6 first two were February 14th. This is February 17th.

7 MR. FOLEY: That is the following working day.

8 MR. McALLISTER: Let's say working day then.

9 MR. FOLEY: Yes.

10 A That was just my usual morning wire to Al Key after
11 Mr. Fisher had spoken to Cowan.

12 Q So this would indicate once again Fisher was
13 after Cowan to get his stock?

14 A Yes, sir. Night and day.

15 Q At any time subsequent to this period of February
16 14th did you have a discussion with Mr. Al Key in which he
17 told you what the nature of the problem was on this stock?

18 MR. McALLISTER: Asked and answered.

19 A That's been answered. I answered that before.

20 MR. FOLEY: I am asking him now at any time.

21 A At any time, no.

22 MR. McALLISTER: That question was asked and answered.

23 MR. FOLEY: Off the record.

24 (Discussion off the record.)

25 MR. FOLEY: On the record.

1 Q Did you have any discussions with anybody else at
2 any time after February 14th in which the question of what
3 the problem was with this stock and with its transferability
4 was discussed?

5 A He got the wires and never told me what the
6 problem was.

7 Q We have a series of Telexes here that I would like
8 you to describe what they were and what was transpiring.

9 MR. FOLEY: Off the record.

10 (Discussion off the record.)

11 MR. FOLEY: On the record.

12 I will put a statement on the record, to wit,
13 the witness, I have asked him for his personal recollection
14 of certain things. I regard personal recollection as the
15 most valuable type of evidence. In instances where he says he
16 does not have a personal recollection of something if I have
17 a Telex that would perhaps aid his recollection I will be
18 glad to furnish it.

19 MR. McALLISTER: Read that last question and
20 answer back.

21 (Last question and answer read back.)

22 THE WITNESS: That answers it.

23 MR. FOLEY: Let's get this marked for identification.

24 (Telex of 2-21 was marked Plaintiff's
25 Exhibit 81 for identification.)

1 Q At this point after all these years do you recall
2 receiving Plaintiff's Exhibit 81?

3 A No. This is still the same message, in other words.

4 Q This is another Exhibit 81, which was just marked,
5 and an unmarked exhibit which is about to be marked 82 --
6 these were Telexes sent to you, but you don't recall
7 receiving them?

8 A No.

9 (Telex was marked Plaintiff's Exhibit
10 82 for identification.)

11 Q Now I would like to show you another one and ask
12 you to read it and ask you do you recall receiving that?

13 A No.

14 (Telex above-referred to was marked
15 Plaintiff's Exhibit 83 for identification.)

16 Q At the present time you have no recollection of it?

17 A No.

18 MR. FOLEY: Once again this is another Telex, which
19 we will mark for identification.

20 (Telex above-referred to was marked
21 Plaintiff's Exhibit 84 for identification.)

22 MR. FOLEY: Once again you identify that as a
23 Telex sent to you, but you don't recall?

24 MR. HARRIS: He does not recall.

25 Q Once again it indicates on the face of Exhibit 84

1 that this is yet another Telex sent to you but which you
2 personally do not have a recollection of receiving, is that
3 right?

4 A That is right.

5 MR. FOLEY: Mark the next one.

6 (Telex above-referred to was marked Plaintiff's
7 Exhibit 85 for identification.)

8 Q I would like to ask you, 1, if you can describe
9 whether this is a Telex sent from one to another, and from
10 whom to whom, whether you have any recollection for the
11 second part of the question?

12 A No. Absolutely no absolute recollection of each
13 one because each one they told me they were going to
14 deliver and were going to deliver.

15 Q I notice this was sent to FM, Florida. Who is FM?

16 A That is an error. It should be RM.

17 Q That would be to you, should it not?

18 A Yes..

19 MR. McALLISTER: Off the record.

20 (Discussion off the record.)

21 MR. FOLEY: On the record.

22 Q I note that written on this Exhibit 85 in blue ink
23 is the number 51.

24 A That is my RR number.

25 Q That is your RR number?

1 A Yes.

2 MR. FOLEY: May we have this marked?

3 (Telex above-referred to was marked
4 Plaintiff's Exhibit 86 for identification.)

5 Q I would like to show you Plaintiff's Exhibit 86
6 and ask you if you can tell me if this is a Telex sent?

7 A It is another one.

8 Q Once again this is a Telex. It indicates that it
9 was sent to you on February 28th. You have no recollection
10 of receiving it?

11 A No.

12 Q While these Telexes were arriving, and I am
13 thinking in particular of the ones you looked at now, were
14 you receiving any other kind of communication from Bill
15 Smythe or anybody to tell you what the progress was that
16 you recall now?

17 A You see what they tell me, they keep telling me
18 it is in transfer.

19 Q I would like to show you another one because this
20 does indicate they were going to have a partial shipment,
21 and I will ask you questions about any other sources of in-
22 formation you had about this fact --

23 MR. FOLEY: But first let's mark it as an exhibit.

24 (Telex above-referred to was marked Plaintiff's
25 Exhibit 87 for identification.)

1 Q At this point up to February 28th, some of the
2 messages seem to be the communications between you and Smythe,
3 and others you and Lobe. Did you have any specific in-
4 structions as to whom you were to deal with respect to this
5 matter?

6 A No. If you did not get an answer from Lobe we
7 tried Smythe. That is about the size of it. This one I
8 remember, 87.

9 MR. FOLEY: We will mark this one because I think
10 this is the same message in the Telex form.

11 (Telex above-referred to was marked
12 Plaintiff's Exhibit 88 for identification.)

13 Q I would like to show you Exhibit 88.

14 A Yes.

15 Q 87 and 88 are essentially the same message?

16 A The same.

17 Q The difference being that 87 is the original hand-
18 written and 88 the Telex message?

19 A That is right.

20 Q Did I understand you to say you have a recollection
21 of having received that message?

22 A Yes, because we told Fisher, Ben Cowan told him.

23 Q When you got this you told Ben Cowan and instructed
24 him to inform the customer, Mr. Fisher?

25 A yes.

Q What was Mr. Fisher's response, do you know?

A I don't.

Q Cowan did not tell you?

A No.

Q At that time do you know from where they were shipped? Were you involved in the actual shipment, your branch?

A No.

Q Or were they shipped from the home office?

A Everything is in the home office. We ship nothing.

MR. FOLEY: I will ask for a 5-minute break.

(Short recess.)

MR. FOLEY: On the record. Mark this.

(Telex above-referred to was marked

Plaintiff's Exhibit 89 for identification.)

Q Do you recognize that Plaintiff's Exhibit 89?

A No, I don't remember this specific message. It is all in the same vein, let's put it that way.

Q It is another one you sent up there, it is from you, is it not, to Al Key?

(No response.)

Q It notes in there that Smythe would not answer you, is that true? Do you have any recollection of that, rather?

A The procedure is when you don't get an answer from one man you send it to somebody else.

1 Q Do you recall getting a particular hard time off
2 Smythe on this thing in response to this?

3 MR. McALLISTER: What do you mean by hard time?

4 Q Was he giving you any difficulty?

5 A No. Bill Smythe. No. I knew Bill Smythe very
6 well. He could only answer what he could answer.

7 MR. FOLEY: Mark this.

8 (Document above-referred to was marked
9 Plaintiff's Exhibit 90 for identification.)

10 Q Now, this telegram, Plaintiff's Exhibit 90, from
11 Scott Long to you, you know Scott Long?

12 A Yes, sure.

13 Q Had he been involved in this business up to this
14 point, do you know?

15 A To my knowledge, no.

16 Q Your recollection is this is the first time he got
17 into the picture?

18 A Absolutely because I never spoke to Scott Long on this.

19 Q You mean you never before or after?

20 A No. Never spoke to him. Period. About this.

21 Q He just sent you this and you received it?

22 A That is all.

23 Q You don't know why he sent it to you or anything else?

24 A No.

25 MR. FOLEY: Mark this.

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 HAROLD FISHER,

5 Plaintiff,

6 -against-

7 HARRIS, UPHAM & CO., INCORPORATED,

Index No.
69 CIV. 3312

8 Defendant.

9
10
11 Continued DEPOSITION of Harris, Upham &
12 Co. Incorporated, by William Francis Thomas McCarthy,
13 taken by the Plaintiff, at the office of Kaplan,
14 Kilsheimer & Foley, Esqs., 122 East 42nd Street, New
15 York, New York, on January 14, 1972, commencing at
16 11:30 A. M.
17

18 APPEARANCES:

19 LIVINGSTON, LIVINGSTON & HARRIS, ESQS.
20 Attorneys for Plaintiff
21 KAPLAN, KILSHEIMER & FOLEY, ESQS.
22 122 East 42nd Street
23 New York, New York
24 by: DERMOT FOLEY, ESQ.
25 I. ALAN HARRIS, ESQ.
of Counsel

McCarthy

85

GIFFORD, WOODY, CARTER & HAYS, ESQS.
Attorneys for Defendant
One Wall Street
New York, New York
BY: MICHAEL MC ALLISTER, ESQ.
Of Counsel

* * *

WILLIAM FRANCIS THOMAS

MC CARTHY, having been previously duly
sworn, testified further as follows:

EXAMINATION BY MR. FOLEY:

MR. MC ALLISTER: Mr. Foley, you called
me during the course of the two-day adjournment
and asked whether Defendant Harris, Upham had
produced its records in compliance with the
Rule 34 request, insofar as any Bartep trans-
actions are concerned prior to October 21, 1968.

I would like to state on the record,
to be followed by a comment by Mr. McCarthy,
that insofar as I know, we have produced all
the records of Harris, Upham prior to October
21, 1968, relevant to Bartep and any trans-
actions involving Bartep. Is that correct,
Mr. McCarthy?

1
2 MR. MC CARTHY: Yes, sir.

3 MR. FOLEY: If there are any subsequent
4 documents discovered needless to say at the
5 earliest possible time we will be informed.

6 MR. MC ALLISTER: I understand the Federal
7 Rules require that. There is no preliminary
8 there.

9 BY MR. FOLEY:

10 Q Mr. McCarthy, will you take a look at
11 page 21 of Exhibit 2. You notice the Bartep transactions
12 on that page?

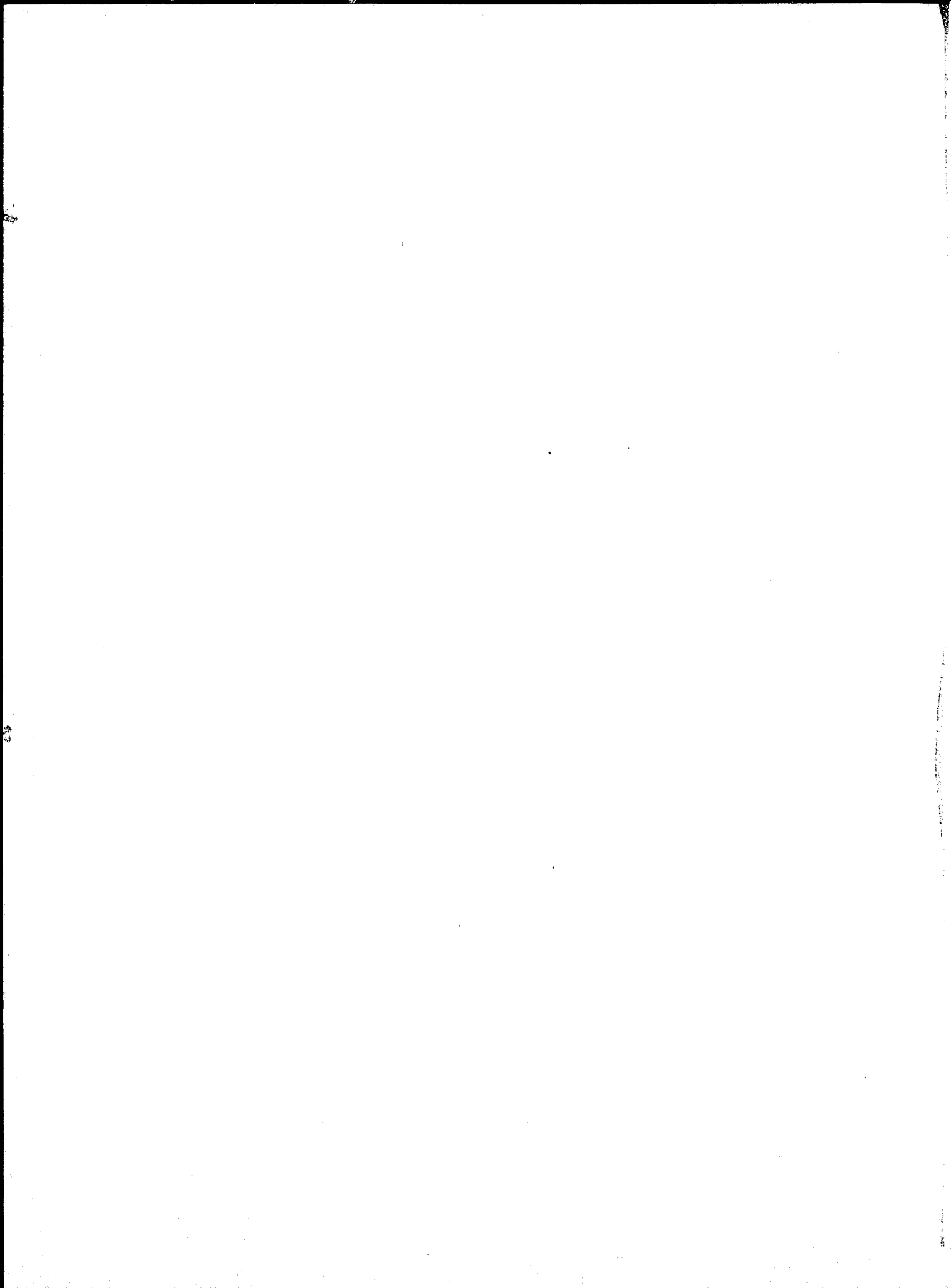
13 A Yes, sir, I see the Bartep transactions on
14 this page.

15 Q Can you explain what these represent?
16 We have Bartep presumably on 11-29, the transactions are
17 described by the Code No. 93?

18 A Yes, sir, on page 21 this indicates to
19 me by looking at our 510 account that we reduced the
20 fail position from 2200 shares of stock to 1700 and
21 put this stock in our overnight 502 account.

22 Q Are we discussing a they failure or a we
23 failure?

24 A This was a stock which one of Harris
25 Upham's customers bought and the certificates were not



UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

HAROLD FISHER,

Plaintiff-Appellee,

against

HARRIS, UPHAM & CO. INCORPORATED,

Defendant-Appellant.

State of New York,
County of New York,
City of New York—ss.:

DAVID F. WILSON being duly sworn, deposes
and says that he is over the age of 18 years. That on the 3rd
day of September, 1974, he served one copies of the
Joint Appendix on
Livingston, Livingston & Harris, Esqs.
the attorneys for the Plaintiff-Appellee
by depositing the same, properly enclosed in a securely sealed
post-paid wrapper, in a Branch Post Office regularly maintained
by the Government of the United States at 90 Church Street, Borough
of Manhattan, City of New York, directed to said attorney s at
No. 292 Madison Avenue, New York (17) N. Y.,
that being the address designated by them for that purpose upon
the preceding papers in this action.

David F. Wilson

Sworn to before me this

3rd day of September, 1974.

Courtney J. Brown

COURTNEY J. BROWN
Notary Public, State of New York
No. 31-5472920
Qualified in New York County
Commission Expires March 30, 1976